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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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## TWELFTH REPORT OF CANADA

covering the period  
January 1992 to  
May 1993



Canada



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## INTRODUCTION

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1. The present report is the twelfth submitted by Canada under the terms of the *International Convention on the Elimination of All Forms of Racial Discrimination*. This report covers the period of January 1992 to May 1993.
2. The present report contains information on measures adopted by the Government of Canada and the provincial and territorial governments in the period mentioned and takes into account comments made by members of the Committee on the Elimination of Racial Discrimination during their examination of previous reports, and their requests for additional information.
3. Please note that, although the Convention does not specifically refer to indigenous people, this report will, as for previous reports, cover aspects of the situation of Canada's Aboriginal people that are relevant to the Convention. It must, however, be underlined that Canada's Aboriginal people do not consider themselves as members of an "ethnic group", nor does the federal government consider Aboriginal people to be an "ethnic group". This is a reflection of the fact that the Aboriginal people wish to emphasize the uniqueness of their situation as the original inhabitants of Canada and to affirm a special relationship with the state based on unique entitlements.

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## PART I: GENERAL

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### Information on the land and the people

4. Canada is a federal state comprising ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments that have jurisdiction over the subject matters covered. In Canada, the responsibility for the areas covered by the *International Convention on the Elimination of All Forms of Racial Discrimination* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.
5. The 17th census of the population since Confederation (1867) was conducted in June 1991. The census included questions on ethnic origin, defined as the ethnic or cultural group to which an individual's ancestors belonged, regardless of place of birth, citizenship or nationality. In 1991, approximately 16 per cent of the population was made up of immigrants. Answers to questions on ethnic origin are divided into "single responses", i.e. those indicating only one ethnic origin, and "multiple responses", i.e. those indicating two or more ethnic origins. The following table lists the ten principal ethnic origins found by the 1991 census:

**Table 1: Ten Principal Ethnic Origins, 1991 Census**

CANADA	Number	%
Total Population	26,994,045	100.0
Single Responses	19,199,795	71.1
1. French <sup>1</sup>	6,146,605	22.8
2. British <sup>2</sup>	5,611,050	20.8
3. German	911,560	3.4
4. Canadian	765,095	2.8
5. Italian	750,055	2.8
6. Chinese	586,645	2.2
7. Aboriginal <sup>3</sup>	470,615	1.7
8. Ukrainian	406,645	1.5
9. Dutch (Netherlands)	358,185	1.3
10. East Indian	324,840	1.2
Multiple Responses	7,794,250	28.9

*Source: Statistics Canada*

<sup>1</sup> "French" includes single responses of French, Québécois and Acadian.

<sup>2</sup> "British" includes single responses of English, Irish, Scottish, Welsh and other British.

<sup>3</sup> "Aboriginal" includes single responses of Inuit, Métis and North American Indian.

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## PART II: JURISPRUDENCE OF NATIONAL APPLICATION

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### Article 4

#### Canadian Charter of Rights and Freedoms

6. In *R. v. Zundel*, [1992] 2 S.C.R. 731, the Supreme Court of Canada struck down s. 181 of the *Criminal Code*, which criminalized the willful publication of a false statement likely to cause injury to the public interest. The accused published a booklet, which argued, among other things, that the Holocaust was a myth perpetrated by a worldwide Jewish conspiracy. According to the Court, s. 181 was contrary to the guarantee of free expression in s. 2(b) of the Charter, which protects all communications conveying or attempting to convey meaning. Nor could this limit on free expression be justified under s. 1 of the Charter as the original purpose of the offence — preserving political harmony by preventing

slanders against the monarch and the nobility — was not pressing and substantial in today's society and could not be transformed into an objective of preserving racial, religious or ethnic harmony.

7. It is important to note that the Court distinguished its conclusions in this case from those previously reached under s. 319(2) of the Code in R. v. Keegstra and R. v. Andrews and Smith (discussed in the 11th report). The Court stated that s. 319(2) of the Code, which criminalizes the willful dissemination of hatred, was "sufficiently circumscribed so as not to inhibit unduly expression ... focusing as [it] did on statements intended to cause 'hatred against any identifiable group'".

## Article 5

### Canadian Human Rights Act

8. During the report period, the Supreme Court of Canada released two major decisions relating to human rights legislation. Although these cases were under provincial human rights legislation, they are directly relevant to the interpretation and application of the *Canadian Human Rights Act*.

9. The first case is Central Okanagan School District No. 23 v. Renaud concerning discrimination on religious grounds. In previous cases, the Court had held that employers have a duty to accommodate except where this would cause undue hardship. In this case, the Court expanded upon and emphasized the importance of this duty. The Court held that an employer must make reasonable efforts to accommodate, even where this might cause some hardship, so long as it is not undue hardship. In addition, unions were found to have a duty to accommodate. The Court noted that, while accommodating the special needs of some individuals and groups may affect others in the workplace, "[m]inor interference or inconvenience is the price to be paid for religious freedom in a multicultural society".

10. The second case is University of British Columbia v. Berg, in which the Court considered the application of human rights legislation to the provision of goods, services and facilities available to the public. The Court stated that human rights legislation applies not only to services and facilities available to all members of the public, but also to services and facilities available only to smaller, more restricted groups. Thus, the university was subject to the provincial human rights code, not only when considering a member of the public for admission, but also when providing services or facilities to a student already admitted to the university. The ultimate result of this case is an extended application of human rights codes in both the private and public sectors.

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## PART III: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

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### Article 2

#### Aboriginal programs and issues

11. The federal government has expanded the process for negotiating land claims with Aboriginal groups. Comprehensive land claims, which are based on traditional use and occupancy of lands, are continuing, often in conjunction with negotiations of self-government arrangements. Specific claims settlements, which deal with breaches of lawful obligations under treaty or the *Indian Act*, are being reached, including a particular class of specific claims to address outstanding treaty land entitlements in the Prairie provinces.

12. The *Gwich'in Land Claim Settlement Act* was proclaimed in December 1992. Legislation is expected soon for several land claim settlements, including that of the Tungavik Federation of Nunavut, the largest comprehensive land claim settlement in Canada. The Government has made a commitment to recommend legislation to Parliament to divide the Northwest Territories and create a Nunavut Territory.

13. The federal government has made the resolution of outstanding treaty land entitlement claims a priority. In September 1992, the Prime Minister, the Premier of Saskatchewan and the Federation of Saskatchewan Indian Nations signed a framework agreement, which provides cash in lieu of land and which facilitates the acquisition of land and the creation of reserves. About \$446 million will go to bands over 12 years and enable them to acquire up to 1.5 million acres of land to add to reserves.

14. As part of efforts to define the rights of Aboriginal people, including self-government, representatives of Aboriginal groups were involved in constitutional discussions leading to the Charlottetown Accord. The Accord was not approved, however, in a national referendum. The rights to self-government within Canada is a high priority of Aboriginal people. The federal government has continued to pursue self-government arrangements, such as negotiations leading to legislation for community-based self-government.

15. The Royal Commission on Aboriginal People has been set up and has begun work on a wide range of issues, including Aboriginal self-government, land-base requirements, outstanding land claims, constitutional guarantees of Native rights, the *Indian Act* and social, economic, cultural and educational matters. The Commission is to issue its final report in 1994.

16. The federal government is examining ways of improving the Canadian justice system for all members of Canadian society, both inside and outside Aboriginal communities, while at the same time supporting community-based Aboriginal justice programs developed and delivered by Aboriginal people themselves.

17. In September 1991, the Government announced an Aboriginal justice initiative, the terms of which will be fully developed over the next five years. Among the areas that this initiative will explore are policy consultation, cross-cultural training, community-based public legal education, Aboriginal recruitment, and improvement of the Native Court-workers and Legal Studies for Aboriginal People programs. Long-term policy and program proposals on Aboriginal justice reform will be presented to and examined by ministers in 1995.

#### Multiculturalism and the justice system

18. A Federal-Provincial-Territorial Working Group on Multiculturalism and Race Relations in the Justice System was established in June 1992 to recommend ways in which the justice system can better provide equal access and fair treatment to members of all ethno-cultural groups in Canada. The Working Group is currently focusing its work on three areas:

- (a) how the criminal justice system can more effectively address criminal behaviour motivated by hate and/or bias;
- (b) how the criminal justice system can more effectively address specific patterns of crime within ethno-cultural and racial minority communities and, in particular, provide better support and protection to members of the affected minority communities; and
- (c) how the justice system can more effectively address the justice-related needs of ethno-cultural and racial minority communities, particularly with respect to police relations, linguistic and cultural barriers, and underrepresentation in key parts of the justice system.

#### Treasury Board

19. The Treasury Board, as employer for the Public Service (which includes some 80 departments and agencies), issued a revised employment equity policy in 1991. Four groups of people are designated as being at a disadvantage in employment: Aboriginal people, members of visible minorities, persons with disabilities and women. The policy's principal objective is to identify and eliminate barriers to members of designated groups in employment policies, procedures and attitudes.

20. Between 1987 and 1990, the representation of Aboriginal people and of visible minorities in the Public Service evolved as follows:

	1987	1989	1991
Aboriginal People	3,810 (1.8%)	3,898 (1.8%)	4,298 (2.0%)
Visible Minorities	5,722 (2.7%)	6,610 (3.1%)	7,810 (3.6%)

21. The Treasury Board has created five special programs, administered by the Public Service Commission, aimed at providing employment opportunities for members of designated groups. Among these programs are the National Indigenous Development

Program and the Northern Careers Program (both for Aboriginal people) and the Visible Minority Employment Program.

22. In 1992, the Government acted to underscore employment equity both in terms of its legal standing and its openness to public scrutiny, by adding employment equity provisions to the *Financial Administration Act*. These provisions give Treasury Board the power to designate groups found to be at a disadvantage in employment and the responsibility to eliminate policy and attitudinal barriers hampering such groups. The Treasury Board also has the responsibility to take positive measures to ensure that the representation within the Public Service of members of designated groups is proportional to the representation of those groups within the work force, or within that section of the work force from which the Public Service recruits and promotes employees. The Treasury Board is also charged with preparing plans for employment equity goals for each Public Service institution. The new legislation requires the President of the Treasury Board to present to Parliament a yearly report on employment equity in the Public Service.

#### The Public Service Commission of Canada

23. In order for the Public Service to be representative of the general population, the Public Service Commission has adopted a more "targeted" approach to recruitment. Recently, a national recruitment campaign was specifically aimed at attracting well-qualified persons with disabilities to the Public Service. The campaign advertised in magazines directed to persons with disabilities and sent direct mailings to 350 universities and rehabilitation organizations.

24. The Public Service Commission launched a Managing Diversity Training Strategy intended to help managers deal with a more diversified workforce. As part of the Strategy, a review was made of training and development tools available in North America, and an assessment was carried out of needs for such training within federal departments. As a result, orientation seminars and training modules have been set up to assist managers and employees.

25. The *Public Service Reform Act* has been recently modified to create an employment equity system similar to that governing employers under the *Employment Equity Act*. The Act now specifies the role and powers of the Commission in applying employment equity policies.

#### Department of Communications

26. The Department has established an Employment Equity Working Group for Aboriginal Employees. It provides a forum for Aboriginal employees to voice opinions, identify barriers and recommend measures to eliminate them.

## Department of External Affairs and International Trade

27. The Department of External Affairs and International Trade has adopted a five-year plan to increase the representation of visible minorities among departmental employees from the present 3 per cent to 4 per cent by 1996. The Department is making a special effort in its yearly recruitment of new foreign service officers; in 1991, 11.6 per cent of newly recruited officers were members of visible minorities. The Department has also committed itself to increasing the number of Native employees, notably by creating a special training program for Aboriginal candidates. Five Canadians of Native descent have been hired by the Department since the launching of the program. In July 1993, 39 employees, or 1.1 per cent of the Department's personnel, were Native Canadians.

28. The Department is attempting to increase sensitivity to multicultural issues among its managers, particularly those responsible for consular operations. The Department also consults regularly with ethnic groups established in Canada on questions of foreign policy of particular interest to them. For example, many ethnic groups are invited to participate in yearly consultations held by the Department in preparation for sessions of the United Nations Commission on Human Rights.

29. See also para. 34 on employers' "duty of accommodation" toward certain groups.

## **Article 3**

### Apartheid

30. Canada has systematically applied pressure on the Government of South Africa through the Commonwealth, the United Nations and other organizations to bring about a dialogue with the leaders of Black movements. Some of the means that have been used are economic and financial sanctions, aid to the oppressed majority in South Africa and measures to strengthen the independence of neighbouring States. In 1992-1993, Canada devoted more than \$13 million to development aid through the Canadian International Development Agency. Canadian aid aims to support a peaceful transition to democracy by assisting victims of apartheid and by helping prepare Blacks for the roles that they will rightfully assume in post-apartheid South Africa.

### Other international action

31. At the 47th session of the United Nations General Assembly, (September-December 1992), Canada co-sponsored resolution 47/78 entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", resolution 47/79 entitled "Report of the Committee on the Elimination of Racial Discrimination" and resolution 47/80 entitled "Ethnic Cleansing and Racial Hatred". Canada also supported the adoption of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities.

32. At the 49th session of the United Nations Commission on Human Rights, which took place in Geneva in February-March 1993, Canada co-sponsored resolution 1993/20 entitled "Measures to Combat All Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance".

33. Canada directly contributed to the insertion of a paragraph on racial discrimination in the final documents of the meeting of the Council of Ministers of the Conference on Security and Co-operation in Europe held in Prague in January 1991 and of the follow-up meeting in Helsinki in 1992 (document adopted in July 1993).

## Article 5

### Amendments to the *Canadian Human Rights Act*

34. In December 1992, the Government of Canada introduced in Parliament amendments to the *Canadian Human Rights Act*, including a duty of accommodation. This amendment would require federally regulated employers and service providers to accommodate the needs of individuals and groups protected by the Act (e.g. members of religious and racial minorities and persons with disabilities), except where this would cause the employer or service provider undue hardship.

### Culture

35. The Canada Council is the federal agency responsible for fostering and promoting professional excellence in the arts. In 1990, the Council established an Advisory Committee for Racial Equality in the Arts, which published a report to which the Council responded in January 1992. The Council established an internship program in arts administration for Canadians of Aboriginal, African, Asian and immigrant backgrounds. The program allows six interns to spend two years working at the Council. The Council has hired an Equity Coordinator to manage the internship program.

36. The Department of Communications promoted northern Native broadcasting through its support for Television Northern Canada (TVNC). TVNC is a television network in the far North that delivers Native cultural, social, political and educational information in 12 languages to communities in the Yukon, the Northwest Territories, Northern Québec and Labrador. TVNC received its licence in 1991 and began broadcasting in January 1992. Programming is funded by Native communications societies supported by the northern Native Broadcast Access Program of the Department of the Secretary of State.

37. The CBC Northern Service broadcasts in English, French and seven Aboriginal languages. Six production centres generate about 220 hours of local programming per week, of which approximately 100 hours are in Aboriginal languages.

38. A Task Force on Museums and First Peoples was established with participation from the Museums Assistance Program of the Department of Communications, the Department of the Secretary of State, the Canadian Museums Association and the Assembly of First

Nations. The purpose of the Task Force is to consult with representatives of First Nations and museums to develop an ethical framework and strategies by which Aboriginal people and cultural institutions can work together to represent Aboriginal history and culture. The Task Force prepared a report in 1992, which is still under study by the Assembly of First Nations and the departments involved.

## Article 6

### Amendments to the *Canadian Human Rights Act*

39. In December 1992, the Government of Canada introduced in Parliament amendments to the *Canadian Human Rights Act*, which provide for the Canadian Human Rights Commission and Tribunals to make procedural rules, and for the Commission to obtain production of documents from persons against whom complaints have been filed. Changes to the remedies for discrimination are also proposed, including providing for Human Rights Tribunals to award interest and legal costs.

### Review of events at Oka

40. The Government responded in several ways to the report of the Standing Committee on Aboriginal Affairs on the 1990 events at Oka. The leadership question was settled with the help of advisors from Elections Canada who supervised the election of a Grand Chief. In addition, the Government is purchasing blocks of land, as they become available, on behalf of the Mohawks. Once the property has been acquired, the land base for the Mohawks will increase by 60 per cent. Negotiations are continuing on questions of land, socio-economic development and self-government.

## Article 7

### Federal multiculturalism programs

41. Canada's multiculturalism programs provide a means of enabling every Canadian to participate in full and active citizenship. They help to build a society where all Canadians feel at home. They assist in building bridges of understanding and interaction, and help people to be aware of both their rights and responsibilities in society. Each of these programs contributes in its own way to advancing the objectives of race relations.

42. The Community Support and Participation Program supports the social integration and full and equitable participation of ethnocultural and visible minorities in Canadian life. For example, this Program has funded a national conference on youth and racist crime to counter hate groups' activities among youth, and supports the advocacy efforts of immigrant and visible minority women's organizations on access and other equity issues. The Heritage Cultures and Languages Program works to bring artists from minority groups into the mainstream. It also supports scholarly research, the study of all aspects of ethnicity and the learning of heritage languages, and works with cultural institutions to create an environment that is more receptive and reflective of Canada's racially diverse society. Examples are

national panels on access to arts institutions for Black and other visible minority artists. The Multiculturalism Secretariat encourages and assists federal institutions to implement the Multiculturalism Policy of Canada set out in the *Canadian Multiculturalism Act*, primarily through proactive initiatives for institutional change and reporting mechanisms of the Annual Report on the Operations of the Act.

#### The March 21 Anti-Racism Campaign

43. The Government recognizes that the public at large must be made aware of the nature, scope and impact of racial discrimination in our society. All Canadians must be aware of the issues before they can work together to solve them. Since submitting its last report, the Government of Canada has commemorated March 21, the International Day for the Elimination of Racial Discrimination, in 1992 and 1993. This public education campaign, known as the March 21 Anti-Racism Campaign, has emerged as the most visible national education effort in the history of Canada to convince Canadians of the need to work together toward the goal of a racism-free society.

44. The Campaign is built around an important partnership with federal departments and agencies, other levels of government, educators, business and labour organizations, the media and individual Canadians from every walk of life. The past two campaigns have introduced many innovative aspects. An outdoor advertising campaign with billboards and transit shelter posters has been mounted in Vancouver, Edmonton, Regina, Winnipeg, Toronto, Ottawa, Montréal and Halifax. Televised public service announcements have been aired by over 95 television stations across the country. Anti-racism education materials, including teachers' guides, students' booklets, posters and buttons have been distributed to each of the 15,000 schools in Canada. Hundreds of Canadian towns and cities now actively participate in the Anti-Racism Campaign on an annual basis. Most provincial and territorial governments organize and sponsor activities throughout the Campaign. Hundreds of thousands of Canadians have participated in the Campaign. Each year, the Campaign expands, reaching more and more Canadians.

#### Police-Minority Youth Summer Employment Project

45. The Police-Minority Youth Summer Employment Project is a joint initiative with Employment and Immigration Canada. The Project enables visible minority and Native youth to work with police services in communities across Canada each summer. The Project provides these students with an opportunity to experience police work and, perhaps, to develop an interest in careers in policing or law enforcement in general. It also increases cross-cultural understanding between the police and the communities they serve. The Project has emerged as a unique method to recruit visible minority and Native youth as police cadets for police services across Canada.

#### The Strategy on Multiculturalism and the Economy/Business

46. The Government has developed a Strategy on Multiculturalism and the Economy/Business. It is aimed at increasing awareness of and appreciation for the economic

opportunities presented by Canada's diversity, stimulating action in responding to economic challenges of diversity and increasing partnerships between stakeholders in Canada's economic prosperity.

#### International Year of the World's Indigenous People (IYWIP)

47. Consistent with the United Nations' objectives for the IYWIP, Canada aims to raise awareness of the IYWIP, to continue to stimulate efforts, in partnership with Aboriginal and non-Aboriginal Canadians, to respond to issues and situations affecting the Aboriginal people; and to create greater understanding of the role of Aboriginal history and culture in Canadian society. During the Year, a number of activities are planned, and materials are being produced about Aboriginal people in Canada and their contribution and role in Canada.

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### **PART IV: MEASURES ADOPTED BY PROVINCIAL AND TERRITORIAL GOVERNMENTS**

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48. Many measures at the federal level are paralleled in similar developments in the provinces and territories, developments that address regional perspectives. These include measures to strengthen human rights legislation, to expand these measures in education as well as to enforce the role of human rights commissions, and to introduce or broaden multiculturalism and race relations policies and programs. These provincial and territorial measures respond primarily to Articles 1, 2 and 7 of the *International Convention on the Elimination of All Forms of Racial Discrimination*, but they can also be relevant to other articles.

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#### **BRITISH COLUMBIA**

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##### **General**

49. The main legal instrument for the elimination of racial discrimination in British Columbia is the *Human Rights Act*, which came into effect on September 14, 1984. The Act, which was written after consultation with a variety of groups including an advisory committee drawn from the public at large, is administered by the British Columbia Council of Human Rights. The statute includes administrative procedures to facilitate review and resolution of complaints alleging discrimination through hearings held by a member of the Council. The Council deals with human rights complaints filed by persons under the Act.

##### **Information relating to Articles 2 to 7**

50. Under the *Human Rights Act*, discrimination on the basis of race, colour, ancestry and place of origin is prohibited in accommodation, services or facilities customarily available to the public, purchase of property, tenancy, employment and conditions of employment, and in membership in trade unions and in employers' or occupational associations. These

provisions apply both to the provincial government and other public agencies and to the private sector.

51. The Government of British Columbia has also taken the following measures:

- (1) The Ministry Responsible for Multiculturalism and Human Rights has developed a Multicultural Policy, which is currently being reviewed for possible enactment as legislation.
- (2) The Ministry Responsible for Multiculturalism and Human Rights supported a Racism and Hate Crimes Conference held by the British Columbia Organization to Fight Racism.
- (3) The Government of British Columbia has initiated an employment equity program to be implemented throughout the public service. The purpose of this initiative is to remove systemic barriers to employment opportunities for women, members of visible minorities, Aboriginal people and persons with disabilities.

## Article 2

52. The *First People's Heritage, Language and Culture Act* established the First People's Heritage, Language and Culture Council as a corporation. The purposes and powers of the corporation are described in section 6 of the Act as follows:

- (a) to provide capital and operating monies for the creation, maintenance and administration of Native cultural centres and programs throughout the province;
- (b) to receive, manage and distribute funds and property of every nature and kind from any source for the establishment, operation and maintenance of the corporation and to further the purpose of the corporation;
- (c) to support and advise ministries of government on initiatives, programs and services related to Native heritage, language and culture;
- (d) to advise the Government on the preservation and fostering of Native languages and other aspects of cultural development of Native people throughout the province; and
- (e) to consider all matters brought to its attention by the Government and, where requested by government, report its findings to the Government.

## Article 4

53. The new section 2 of the *Human Rights Act* provides the following:

- (1) No person shall publish, issue or display or cause to be published, issued or displayed any statement, publication, notice, sign, symbol, emblem or other representation that:
  - i) indicates discrimination or an intention to discriminate against a person or a group or class of persons; or
  - ii) is likely to expose a person or a group or class of persons to hatred or contempt, because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.

- (2) Subsection (1) does not apply to a private communication or to a communication intended to be private.

54. Section 1(1) of the *Civil Rights Protection Act* prohibits: "any conduct or communication by a person that has as its purpose interference with the civil rights of a person or class of persons by promoting: i) hatred or contempt of a person or class of persons; or ii) the superiority or inferiority of a person or class of persons in comparison with another or others, on the basis of colour, race, religion, ethnic origin or place of origin".

55. Section 4 of the *Civil Rights Protection Act* provides the following:

- (1) A person who engages in a prohibited act commits an offense and is liable to a fine of not more than \$2,000 or to imprisonment for not more than 6 months, or to both.
- (2) A corporation or society that commits an offense under subsection (1) is liable to a fine of not more than \$10,000.
- (3) Where a corporation or society commits an offense under subsection (1), every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act commits an offense and is liable to the penalties under subsection (1).

## Article 5

56. In June 1992, the Ministry of the Attorney General ordered an inquiry into municipal policing which, as part of its mandate is to review the minority representation in the police forces and to investigate potential biases in the treatment of minorities by the police. The Royal Commission headed by Judge Wallace Oppal is scheduled to make a final report by December 31, 1993.

57. Part I of the *Human Rights Act* prohibits discriminatory publication and discrimination in public facilities, purchase of property, tenancy premises, employment advertisement, wages, employment and unions and membership in associations.

## Article 6

58. The purpose of the *Human Rights Act* is to eradicate discrimination. The *Human Rights Act* is therefore remedial and not punitive in nature. The Council's procedures are designed to ensure that all complaints alleging discrimination are dealt with as expeditiously as possible following the principles of administrative fairness and natural justice.

59. The Ministry Responsible for Multiculturalism and Human Rights produces and distributes pamphlets and posters informing the public on what to do if they are victims of racism or racial discrimination.

60. Under the *Human Rights Act*, a total of 576 complaints were received by the British Columbia Council on Human Rights in the 1990-1991 fiscal year, of which 13.4 per cent

were related to race or place of origin. In 1991-1992, a total of 878 complaints were received, and 24.1 per cent were related to race.

61. In the five-year period from January 1, 1988 to December 31, 1992, there have been 23 formal hearings by the Council on racial discrimination complaints, of which 22 complaints were found to be justified. Basic compensation awarded to complainants for hurt feelings and humiliation ranged from \$1,000 to \$2,000. In addition to basic compensation, complainants were granted further settlements ranging from \$630 to \$25,240. Also, a bona fide occupational requirement was imposed upon one respondent employer, and two complainants were awarded instruction in language proficiency.

### Article 7

62. The Ministry Responsible for Multiculturalism and Human Rights supports and co-ordinates:

- (a) a community and race relations program, which supports community initiatives, including anti-racism projects, institutional change and cross-cultural and anti-racism training;
- (b) a program specifically addressing issues around racism and racial discrimination (public education, community response to hate groups and hate activity, and monitoring incidents of racism);
- (c) a program supporting projects around March 21, the International Day for the Elimination of Racial Discrimination; and
- (d) a Ministry Equity Task Force, which is conducting training on diversity and equity, to involve all Ministry staff.

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## ALBERTA

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63. The Government of Alberta has recognized for many years the value of a culturally diverse society. To strengthen this resource, the Alberta Multiculturalism Commission was formed in 1988. A new Alberta *Multiculturalism Act* in 1990 reaffirmed the Government's commitment that all Albertans be given a chance to participate in, and contribute to, the cultural, social and economic life in Alberta.

64. The Managing Diversity Program is one of several initiatives by the Alberta Multiculturalism Commission. Managing Diversity's mandate is to encourage leaders in the public and private sectors to take an active role in appreciating and promoting the benefits of cultural diversity — for the good of their organization and Alberta in general.

65. The Multiculturalism Action Plan, established in the Spring of 1991, is currently under review. The New Action Plan is expected in the spring of 1994.

66. Discussions with the Department of Education have led to a joint effort with the Multiculturalism Advisory Council to review current teaching resources for instruction on cultural diversity.

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## SASKATCHEWAN

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67. Saskatchewan's submission to Canada's 12th report under the Convention outlines programs, policies and legislation in place as of July 1993.

### The Saskatchewan Human Rights Commission

68. The *Saskatchewan Human Rights Code*, S.S. 1979, c. S-24.1, makes the Saskatchewan Human Rights Commission responsible for promoting and protecting the dignity and equal rights of everyone within provincial jurisdiction in schools, housing, public services, contracts, publications and on the job. The aims of the Human Rights Commission are pursued through public education, affirmative action programming and through the investigation and resolution of discrimination complaints.

#### **(a) Race discrimination complaints**

69. In 1992, the Human Rights Commission received a total of 309 complaints of violations of the Code. Of these, almost 25 per cent were related to race. More than half of these complaints were filed by Aboriginal people; about 50 per cent related to employment. In general, almost 60 per cent of race discrimination complaints were related to the provision of services to the public; 58 per cent of these types of complaints were filed by persons of Aboriginal ancestry. Forty-four percent of complaints against the Government were related to race.

#### **(b) Employment equity**

70. The Human Rights Commission approves and monitors affirmative action programs in the province. All Saskatchewan plans are voluntary. Currently, there are seventeen employment plans and six in education and training institutes.

71. Aboriginal people and members of visible minorities are two of the four designated groups intended to benefit from affirmative action. Affirmative action plans are geared, in part, to break down discriminatory barriers, including racism and racial harassment, in the workplace. Many employers and educational institutions have initiated anti-racism and anti-harassment policies.

#### **(c) Education equity**

72. Since 1985, the Commission has helped Saskatchewan school divisions and the Aboriginal community attempt to improve the school experience for Aboriginal students through education equity, a project pioneered by and unique to Saskatchewan. The goal is to

develop supportive classrooms for Aboriginal students by recruiting Aboriginal teachers, involving parents, adding culturally meaningful studies to the curriculum and providing cross-cultural training for teachers and administrators.

73. Nineteen provincial school boards now have education equity programs in place involving 75,000 students or 38 per cent of the total enrollment. Eighteen per cent of the children covered by education equity programs are of Aboriginal ancestry.

74. School divisions continue to increase Aboriginal representation in teaching positions but are somewhat hampered by a shortage of qualified applicants and economic constraints. The Commission has suggested that school divisions concentrate on training and post-hiring support, and conduct exit interviews with employees leaving their positions.

75. Along with the Saskatchewan Teachers' Federation, the School Trustees Association and the Saskatchewan Department of Education, Training and Employment, the Commission helped to produce an anti-racism kit to teach teachers and administrators about racism. The package includes tips on how to counter racial incidents in the school system, guidelines for policy content and development, and a supplementary leadership training course to help school divisions work out policies of their own. By the end of 1992, every school division in Saskatchewan had received the kit.

#### **(d) Public education**

76. The Commission's education efforts extend beyond the classroom to the general public. For example, in recognition of the United Nations' *International Convention on the Elimination of All Forms of Racial Discrimination*, the Commission, with financial support from the Canadian Human Rights Commission, developed *Erasing Racism*, an anti-racism brochure to stimulate public awareness.

#### **(e) Review of the *Human Rights Code***

77. In 1993, the Saskatchewan Human Rights Commission embarked on a review of *The Saskatchewan Human Rights Code*, which has not been substantially altered since 1979. The Commission conducted a number of "round table" discussions with a variety of groups on specific human rights issues. In addition, the Commission conducted public hearings across the province, where a variety of groups and individuals presented briefs and expressed their views. The Commission plans to produce a report to the Minister of Justice in later 1993 or early 1994.

#### **Persons of Aboriginal ancestry**

78. It is estimated that about 15 per cent of Saskatchewan's population of 1,000,000 people are of Aboriginal ancestry. These people have an unique historical and constitutional status in Canada. In Saskatchewan, persons of Aboriginal ancestry represent the largest racial minority in the province.

79. In March of 1993, the Provincial Cabinet approved the vision and principles outlined in the document "Aboriginal Policy and Strategic Framework". All government departments were directed to develop "Action Plans" based on the policy framework.

80. In summary, Saskatchewan's Aboriginal Policy Framework is intended to chart a new direction to ensure that Aboriginal people are full and equal participants in our society on their own terms, based upon their own culture, traditions and community values. The aim is to increase the participation of Aboriginal people in decisions that affect them. At the same time, there is a need to be sensitive to the balance between traditional and modern ways of life.

81. The Government of Saskatchewan is committed to the following principles:

- (1) The Government is committed to fairness and inclusiveness. All members of the community should be secure in their access to the basic economic, health and social requirements.
- (2) The Government will work co-operatively with Aboriginal people to facilitate their goals and aspirations for social, economic and cultural development.
- (3) The Government recognizes and respects the unique cultures of Indian and Métis people in their communities within the social and economic fabric of the larger Saskatchewan community.
- (4) The Government will communicate openly with Aboriginal communities on important decisions affecting social and economic development. All the partners in joint actions will be accountable for the results achieved and the public resources used.
- (5) The Government is committed to living within its means and will employ efficient approaches to achieve the effective delivery of programs and services.
- (6) The Government of Saskatchewan will act to maximize the self-reliance and self-determination of Aboriginal people and to balance that with its responsibilities for the whole community of Saskatchewan.

82. The principle of maximizing self-determination involves initiatives that may range from incorporating Aboriginal concerns or culture into programs, to partnerships or co-operative management systems, to Aboriginal self-managed systems or to Aboriginal self-government; whatever is appropriate in a particular set of circumstances.

83. The elements of the provincial plan are as follows:

- (1) Formalization of relationships with Aboriginal organizations: The Government of Saskatchewan will establish new formal protocols with the Federation of Saskatchewan Indian Nations and the Métis Society of Saskatchewan. Such accords outline principles

and guidelines covering political and technical affairs and will promote long-range strategic planning and common approaches to priorities and problem solving.

- (2) Promotion of Aboriginal community development and renewal: The Government of Saskatchewan will work with Indian and Métis communities in conjunction with the federal and local governments to address Aboriginal community self-reliance, program management, self-sufficiency and Aboriginal investment and community renewal. In this regard, attention will be given to development of new Aboriginal community corporations or co-operatives. Aboriginal people in the North and urban centres require special attention.
- (3) Addressing the constraints that serve to limit progress: It is important to identify and address the legal and financial constraints that governments and Aboriginal people face.

#### Environment and natural resources

84. Because of the historical and legal importance of hunting and fishing rights to Saskatchewan's Aboriginal population, the Saskatchewan Department of Environment and Resource Management interacts frequently with the Aboriginal population. That Department has taken various steps, in partnership with Aboriginal people, organizations and communities, to increase Aboriginal involvement in environment and resource management, to improve the Department's awareness of Aboriginal concerns and to improve the Department's ability to address them.

85. The involvement of Aboriginal people in managing renewable resources takes place mainly through the co-operative management process. This may include consultation, advisory relationships or direct participation by Aboriginal groups in decision making. The Department has been involved in a variety of co-management initiatives.

86. The Department has created the Aboriginal Liaison Program, which has used department staff of Aboriginal ancestry to build bridges between the Department and the Aboriginal community. They carry a three-way education role: informing Aboriginal people about the Department's mandate, regulatory responsibilities, policies and programs; educating department staff about Aboriginal culture, perspectives and issues; and facilitating communication and discussions between the Aboriginal community and the Government to resolve issues and concerns.

#### Multiculturalism

87. As noted in our previous report, the Government of Saskatchewan has responded to the report of the Task Force on Multiculturalism, which was released in 1990. Many of the recommendations relating to areas of education, heritage languages, racism and discrimination, and Aboriginal concerns have been implemented.

88. A Minister's Advisory Committee on Multicultural Legislation was appointed in November 1992 to review the 1974 *Multiculturalism Act* and to make recommendations for

change. The Advisory Committee will present its recommendations to the Minister of Saskatchewan Municipal Government in fall 1993. The Advisory Committee encourages "the promotion of racial harmony and intercultural understanding and the deliberate countering of racism".

89. Each year, the Minister Responsible for Multiculturalism designates one week in November as Multicultural Week. All citizens are encouraged to celebrate the province's rich cultural heritage and to share in the cultural activities planned by the communities throughout Saskatchewan.

90. The Royal Saskatchewan Museum is adopting a pluralistic culture approach in its relationship with Aboriginal people. This involves requiring museum staff to consult with Aboriginal elders and traditional people. It also means incorporating Aboriginal traditional practices and knowledge in all issues and programs that concern the interpretation of First Nations' cultures and histories. This includes the care of collections in a culturally appropriate manner.

91. The Royal Saskatchewan Museum recently opened the First Nations Gallery, which represents a diversity of Aboriginal cultural perspectives. The Museum is also beginning to follow traditional Aboriginal practices concerning care of objects in the ethnology and archaeology collections.

#### Social services

92. In the area of social services, a number of measures have been taken to reduce the harmful effects of social services programs on Indian and Métis people. Bilateral agreements have been negotiated with First Nations' people for delegation of authority under *The Child and Family Services Act*. These agreements will enable First Nations to design and deliver their own family service programs in reserve communities. There have been discussions with First Nations' people regarding further devolution of services.

93. The Department of Social Services has developed a program, centred primarily on Indian and Métis children in the care of the Minister of Social Services, which is designed to facilitate reconnection to families and communities. This program entails consultation among First Nations, Métis communities and the Government and is intended to address the issue of the disproportionately high number of Indian and Métis children in care. This program will also have an effect on the problems faced by Indian and Métis children who have been adopted by non-Indian and Métis families and who, as adults, are trying to trace their cultural and racial roots.

#### Employment equity

94. The Government of Saskatchewan has, through the Public Service Commission, implemented an employment equity program that covers all public service positions. The program includes developing special measures and removing barriers to employment for groups currently underrepresented in the workforce. The special measures include:

- (1) Enhanced recruitment strategies: An inventory has been created of résumés of persons of Aboriginal ancestry and members of visible minority groups. Outreach initiatives have been undertaken with Aboriginal educational institutions, and Aboriginal and multicultural community organizations.
- (2) Appropriate job requirements: Employment equity is strengthened by the elimination of systemic barriers in job descriptions, the recognition of foreign credentials and the acceptance of transferable skills.
- (3) Special training opportunities: Measures falling under this heading include the provision of managerial training, preference being given to designated group applicants for tuition and book reimbursement, secondments, temporary performance of higher duties and special assignments.
- (4) Education and awareness activities: The Public Service Commission makes available workshops on racial discrimination and race relations, cultural awareness training, and training in the management of cultural diversity in the workplace.
- (5) Harassment workshops: These workshops provide information on legal implications, a review of complaint procedures and description of preventative measures.

95. The collective bargaining agreement with the Saskatchewan Government Employees' Union calls for a service-wide union-management committee to develop a proposal for an educational program regarding the issue of racism. The committee will develop a program to prevent and remedy discriminatory incidents at work based on race, ethnic background and sex.

### Education

96. A Multicultural Education Unit was established in 1991 in the Department of Education, Training and Employment. It provides a co-ordinated focus to multicultural education, heritage languages and English as a second language (K-12).

97. In April 1991, Saskatchewan Education, Training and Employment assumed responsibilities for all heritage languages, including in-school and out-of-school programming. Provisions have been made to obtain high school credit for German, Japanese, Polish, Spanish and Ukrainian offered through out-of-school language instruction.

98. The Department of Education, Training and Employment has taken a variety of measures to improve education for Indian and Métis students. Particular attention is directed to teacher training and in-service, special incentive grants for Indian and Métis educational development, curriculum development, a survival school for Indian and Métis students, the Community Schools Program, official consultation with the Indian and Métis peoples of Saskatchewan, and the development of policy on Indian and Métis education.

99. The Indian and Métis Education Development Program has funded a total of 18 projects since Saskatchewan's last report under this Convention. Project sites report increased student retention, new employment positions for people of Indian and Métis ancestry, increased cross-cultural awareness of school staffs, and considerable individual, family and community impact.

100. The Indian and Métis Education Awareness In-Service Program, which was described in Canada's last report, has been revised. Under the Program, teachers in 56 school divisions have been trained, and workshops have been held throughout the province. The Program is designed to raise the awareness of practicing teachers about Indian and Métis issues in education.

101. All of the curriculum development work undertaken by the Department of Education, Training and Employment reflects a recognition of Saskatchewan's varied ethnic makeup. Current developments in Social Studies K-12 and Health Lifestyles for Grades 7 to 9 take into account the need for children to learn more about the heritage of all members of the province. The cultures and histories of Saskatchewan Indian and Métis peoples are highlighted.

102. A Five-Year Action Plan for Native Curriculum Development was reported in the last submission. Developments since the last report include the publication of "Métis Development and the Canadian West", "Saskatchewan Indians and the Resistance of 1885" and a bibliography for all teachers listing suitable materials for language arts in Grades 1 to 6. A range of audio-visual materials that incorporates positive and accurate portrayals of Indian and Métis peoples has been introduced in the schools. Native Studies courses for Grades 10, 11 and 12 are being developed.

103. The four principles guiding the provision of educational programs for Indian and Métis students are: i) Indian and Métis people must have the opportunity to participate in the educational system at all levels; ii) the educational system must accommodate the differences in learning styles, language and world view of students; iii) co-operation and consultation among all levels of government is necessary for the co-ordination of efforts to meet the needs of Indian and Métis students; and iv) efforts to improve the success of Indian and Métis students must begin at the school and community level.

104. An Indian Languages curriculum guide for the elementary level is being developed. An English as a Second Language handbook for adapting the English Arts Core Curriculum to meet Indian and Métis student needs is also being developed for use in schools.

#### Immigrant settlement

105. The Department of Municipal Government administers the Saskatchewan Immigrant Settlement Program, which provides financial assistance to immigrant settlement agencies who assist recent immigrants and refugees to the province to settle, adjust and participate in their communities.

## Housing

106. In accordance with employment equity principles, staff of the Department of Municipal Government involved in providing housing programs and services to Aboriginal people are predominantly of Aboriginal ancestry. Of the contract and permanent staff of the Housing Division, 23.5 per cent are of Aboriginal ancestry and over 84 per cent of the 2,200 housing units directed to Aboriginal families are managed by Aboriginal groups.

107. The Indian Ancestry and Urban Native Housing programs have received approval from the Saskatchewan Human Rights Commission to concentrate on needy Aboriginal households.

108. The Rural and Native Housing Program provides home ownership and rental projects in rural areas for low-income Aboriginal households.

109. A Métis Housing Training Program is being created to provide practical training experience.

## Justice

110. On June 5, 1991, two reviews of services to Aboriginal people were begun in Saskatchewan: the Saskatchewan Indian Justice Review Committee and the Saskatchewan Métis Justice Review Committee. The purpose of the review was to make recommendations concerning the delivery of criminal justice services to Saskatchewan Indian and Métis people and communities and, in particular, concerning the development and operation of practical community-based measures to improve such services. Issues of racism and race relations were raised in the review, which resulted in over 90 recommendations for changes in the justice process, including the need for cross-cultural and race relations training for Justice system personnel.

## Health

111. In 1992, the Department of Health appointed a senior analyst responsible for Indian and Métis issues. Most of the activity has centred on encouraging the participation of Indian and Métis people in health reform.

112. In August 1992, the Government of Saskatchewan released the document, "A Saskatchewan Vision for Health: A Framework for Change", which outlines the general principles of health reform. This document recognizes the need to work with Aboriginal people to blend the strengths of holistic health traditions with aspects of the medical approach.

113. Saskatchewan Health has offered to enter into a Memorandum of Understanding with Tribal Councils, which would outline the expectations of their participation in health reform.

114. The Wellness and Health Promotion Branch has developed a special Aboriginal Health Promotion Consultant position to bring cultural sensitivity to the work of the Branch. This

position will be filled in the fall of 1993. In addition, the Branch funds the Women and Wellness Conference, which focuses on Aboriginal women and has been held annually since 1991.

115. The Saskatchewan Alcohol and Drug Abuse Commission (SADAC) continues to provide funding for Indian and Métis people to operate programs designed to meet their needs in the province.

116. In 1991-1992, \$1.6 million was provided by SADAC to the Métis Addiction Council of Saskatchewan (formerly the Saskatchewan Native Alcohol Council Corporation) to provide in-patient, out-patient and educational services to Indian and Métis people experiencing drug or alcohol problems. A detoxification facility operated by the Métis Addiction Council opened in January 1992 in Prince Albert.

#### Economic development

117. The Indian Economic Development Program, delivered by the Department of Economic Development, provides funding to Indian Bands, organizations and individuals for economic development projects primarily, but not exclusively, on reserve. The Métis Business Development Program, delivered by the Department of Economic Development, provides funding to Métis organizations and individuals for economic development projects.

#### Harassment

118. *The Occupational Health and Safety Act, 1993*, defines harassment as follows: "harassment" means any objectionable conduct, comment or display by a person that: i) is directed at a worker; ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and iii) constitutes a threat to the health or safety of the worker.

119. The legislation requires that every employer "ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment at the place of employment"; and requires that every worker "refrain from causing or participating in the harassment of another worker". Regulations are being drafted to address these new provisions.

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## MANITOBA

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### General

120. In June of 1987, the Government of Manitoba passed the new *Human Rights Code*, replacing the *Human Rights Act*. It was proclaimed on December 10, 1987. The Code prohibits discrimination on the basis of ancestry, race, colour, nationality and ethnic or national origin. It protects persons from harassment based on all group factors when

participating in activities to which the Code applies (principally employment, housing and public services).

121. For the calendar year 1992, the following table shows the number of complaints, made to the Manitoba Human Rights Commission, of discrimination based on race, colour, nationality or ethnic or national origin and shows what percentage these types of complaints represent of the total number of complaints received by the Commission:

Basis of Complaint	Number of Complaints and Percentage of Total
Race and colour	31 (14 per cent)
Nationality or ethnic or national origin	15 (7 per cent)
<b>TOTAL</b>	<b>46 (21 per cent)</b>

The majority of complaints, about 54 per cent, continue to be in the area of employment.

## Article 2

122. The Manitoba Department of Justice has adopted a "Workplace Harassment Policy". It covers racial harassment, as well as other forms of harassment, and outlines the investigative course of action to be taken as a result of complaints.

123. The Civil Service Commission has developed educational workshops on harassment and racial intolerance. These have been delivered to most supervisors and shift workers of the larger adult correctional institutions and have been incorporated into a training module for all new recruits.

124. The Adult Corrections Branch has incorporated statements condemning harassment and discrimination into a written code of conduct for staff. Aboriginal awareness training sessions are mandatory for all correctional employees within the institutional setting. Adult Corrections is conducting a survey of the racial issues, concerns and attitudes that exist within correctional facilities. The survey will document specific findings and make recommendations to address the problems identified.

125. All adult correctional facilities are developing Aboriginal advisory committees to assist in recruitment strategies and for consultation on program and other Aboriginal service issues. They have also entered into contracts with Aboriginal elders to provide spiritual services to Aboriginal offenders.

126. On March 21, 1992, and again on March 21, 1993, the Premier of Manitoba proclaimed the celebration in the province of the International Day for the Elimination of Racial Discrimination.

127. The Citizenship Division of the Department of Culture, Heritage and Citizenship and the Civil Service Commission have developed a two-day training module on racism and discrimination and on the respectful workplace. It was piloted with two groups of the Department in 1992 and 1993, and will be offered to other departments in 1993 and 1994. As a result of these modules, a Code for a Respectful Workplace has been developed for use within the Department.

128. The Bridging Cultures Program of the Ministry of Culture, Heritage and Citizenship funds projects of non-profit organizations; projects to combat racism are one component of the grant program.

129. The Citizenship Division's Credentials Recognition Program helps professionally and technically trained immigrants to obtain recognition of the education and work experience that they have acquired outside Canada.

130. The Citizenship Division's Anti-racism Outreach Officer has made presentations to several secondary schools and other groups regarding the anti-racism initiatives of the Government.

131. The Civil Service Commission, in conjunction with the Manitoba Government Employees Union, the Department of Culture, Heritage and Citizenship, and the Aboriginal Advisory Council, has struck a working committee to develop an anti-racism policy for the Manitoba Government.

132. The Civil Service Commission has established the Employment Services Branch, the primary objective of which is promoting employment equity across the Government. It has also set up an Aboriginal Advisory Council. The Council, made up of Aboriginal employees from across the Government, has been very active over the past two years. It has produced and distributed a report on an Aboriginal needs-assessment survey, developed and delivered a number of employment-related workshops to Aboriginal employees, made 35 presentations to departments, agencies and organizations on the issues facing Aboriginal people in the workplace, and designed and delivered numerous Aboriginal-awareness sessions to non-Aboriginal audiences. It has also produced a directory of Aboriginal employees within the Government of Manitoba.

#### Article 4

133. The Province of Manitoba intervened before the Supreme Court of Canada in Zundel v. The Queen, ([1992] 2 S.C.R. 731) in an unsuccessful effort to support the use of section 181 of the *Criminal Code* as an additional means of combatting hate propaganda. See paragraphs 5 and 6 for more details.

134. The Manitoba Department of Justice is involved in the City of Winnipeg Police Department's creation of a hate-crimes squad, the mandate of which will include all aspects of hate-related occurrences.

### **Article 5**

135. The Aboriginal Justice Inquiry Report was tabled in August 1991. The Aboriginal Justice Inquiry was established by the Government of Manitoba in response to allegations that the Aboriginal population faces prejudice, misunderstanding or both in its dealings with law enforcement agencies and the civil and criminal courts. The inquiry was funded by the Government and had a broad mandate to investigate all aspects of the justice system as they relate to Aboriginal people. It conducted public hearings and received briefs.

136. In January of 1992, the Government responded to the Aboriginal Justice Inquiry Report by proposing a series of tripartite (federal, provincial and Aboriginal) working groups to consider all aspects of the Report. This suggestion was not carried out in the period covered, due in part to the fact that all of the concerned parties were involved in the broader constitutional issues, including Native self-government, which dominated the public scene in 1992. The Government has proposed a series of measures, including an Aboriginal court model, improved Aboriginal police services, accelerated recruitment of Aboriginal people into the justice system, and expanded services to Aboriginal people in correctional systems in keeping with their cultural needs.

137. The Northern Paralegal Project of Legal Aid Manitoba has added two additional paralegals to that program. The program aims to increase access to the justice system for Aboriginal people who reside in four remote northern communities.

### **Article 7**

138. The Manitoba Department of Education and Training released a policy statement entitled "Multicultural Education: A Policy for the 1990's" in May 1992. Since the release of the policy statement, at least ten school divisions have formed committees to develop their own policies.

139. The Manitoba Department of Education and Training is developing race relations guidelines for Manitoba schools. It has prepared a consultation document, and a process of consultation and revision is under way.

140. The Department of Education and Training has provided school divisions, schools and educators with professional development and training opportunities in multicultural education and anti-racism approaches. These include a three-week summer institute on multicultural and anti-racism education co-sponsored with the Faculty of Education, University of Manitoba; school-based workshops on anti-racist multicultural education; and consultation services to assist schools in developing policies, plans of action and programs. It has distributed to Manitoba schools a guidebook, produced by the Manitoba Human Rights

Commission, entitled "Human Rights in the School: Guidelines for Educators, Students and Other School Participants".

141. The Native Advisory Committee makes recommendations to the Department of Education and Training in areas, such as curriculum, language instruction, resource materials, teacher training and Aboriginal education policy.

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## ONTARIO

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### General

142. Pursuant to Article 9, this report sets out the legislative, judicial or administrative policies, programs and activities of the Government of Ontario conducted between January 1992 and May 1993 in accordance with the objectives of the *International Convention on the Elimination of All Forms of Racial Discrimination*.

#### Cabinet Round Table on Anti-Racism

143. In June 1992, Mr. Stephen Lewis, former Canadian Ambassador to the United Nations, reported to the Premier of Ontario on race relations in the province. The Cabinet Round Table on Anti-Racism was established in response to that report. This Round Table co-ordinates and directs the Ontario Government's response to the Stephen Lewis report and plans, encourages and facilitates anti-racism initiatives within the Government and in all its agencies, boards and commissions. The Round Table was also designed to build partnerships between the Government and racial minority and Aboriginal communities.

#### Ministry of Citizenship

144. The Ministry of Citizenship continues to exercise leadership in helping Ontario residents from all races and cultures to participate in the development of the social, economic and cultural life of the province. Central to this full participation are Ministry initiatives that promote equality for racial minorities and Aboriginal people, and prevent or reduce racial tensions and conflicts.

145. The Stephen Lewis report, referred to above, made a number of recommendations for change throughout the Ontario government. These recommendations are currently being implemented under the co-ordination of the Ontario Anti-Racism Secretariat (OARS) for the Ministry of Citizenship and the Ministry of the Attorney-General. OARS is developing an anti-racism policy for the Ontario government. The policy will complement the anti-racism strategy now in effect, and will make it mandatory for all ministries to take anti-racism measures in order to ensure that the workplace and the provision of government services are free of discrimination and provide equitable outcomes. OARS is developing a series of demonstration projects with a number of ministries in order to implement the strategy. These projects will provide models for ministries to implement anti-racism organizational change.

146. In addition, the Anti-Racism Strategy Funding Program was set up in 1992, and more than \$2.1 million in grants was provided to 109 community and broader public sector organizations in 1992 and early 1993 to undertake anti-racism initiatives.

147. The Ministry of Citizenship's Native Community Branch also continued to pilot a joint management-economic development initiative with Ontario Aboriginal organizations, which provides support to Aboriginal businesses and entrepreneurs.

148. A Task Force on Access to Professions and Trades has examined the barriers faced by non-Ontario trained tradespeople and professionals who wish to practice in Ontario. A corporate strategy to address issues of access has been adopted, in partnership with other Ontario ministries, community groups, professional and trades bodies, and the private sector. The Ministry of Citizenship's Access Unit has a two-year mandate (to 1994) to carry out the strategy. The results will then be evaluated and used as a guide to further promote access to professions and trades.

149. In 1992, the Government appointed an Employment Equity Commissioner to undertake consultations and public education about, and to plan for the setting up of, an Employment Equity Commission under the proposed *Employment Equity Act* (Bill 79). The Act is expected to be passed in 1993 and proclaimed in early 1994. *The Employment Equity Act* will provide mandatory employment equity for racial minorities, Aboriginal people, women and people with disabilities.

## Article 2

### Ontario Women's Directorate

150. The Ontario Women's Directorate (OWD) co-chairs the Aboriginal Family Healing Joint Steering Committee, which has representatives from eight Aboriginal organizations and ten ministries involved in developing an Aboriginal Family Healing Strategy for Ontario. The eight Aboriginal organizations consulted extensively with their communities about family violence to identify needs, assess current service delivery and recommend directions for future programs and services. The OWD has been trying to establish ongoing working relationships with women's groups through formal and informal consultations. Attempts are made to include diverse communities of women, including Aboriginal and racial minority women, in all consultations.

### Ministry of Community and Social Services

151. The Ministry is responsible for young offenders aged 12 to 15. In response to a Stephen Lewis recommendation specifically concerning the criminal justice system, the Ministry has undertaken with the Ministry of the Solicitor General and Correctional Services to address concerns about the treatment of young offenders in provincial correctional facilities, with a specific focus on systemic racism. Further, the Ministry ensures that young offenders receive culturally appropriate services by linking with ethno-specific agencies and by funding culturally focused group homes for open-detention and custody clients.

152. Divisions within the Ministry are developing employment equity plans to ensure that clear objectives are established and pursued. To support this, the Ministry will be conducting a comprehensive review of employment systems, policies and practices to identify barriers to equity and recommend strategies for change.

153. The Ministry recently signed an agreement with the Ministry of Culture, Tourism and Recreation and with the Ontario Anti-Racism Secretariat to embark on a pilot project to ensure equitable access to government contracting and tendering by all racial minority groups.

154. The Ministry is co-leading an interministerial initiative with the Ontario Anti-Racism Secretariat to consider issues related to access and service delivery by racial and ethnic groups across the province.

155. The Ministry has developed a new Policy Framework for all Services under the *Child and Family Services Act*, including child welfare. This Framework sets out specific strategies to remove arbitrary and artificial divisions or barriers to services and to make services more responsive to the specific needs of individuals and communities. It specifically requires services to reflect the cultural, religious and linguistic diversity of the community.

#### Ministry of Solicitor-General and Correctional Services

156. A Race Relations Policy for Ontario Police Services was developed by the Ministry in consultation with police and community groups, and officially launched on April 5, 1993. The Policy is designed to ensure that the public is provided fair and equitable policing, without discrimination on the basis of race, ancestry, place of origin, colour or ethnic origin. It will also help to ensure that each police service maintains a discrimination-free workplace for all its personnel, that its practices are bias-free and that its staff reflects the racial diversity of the community. An implementation and training strategy is under development.

157. An employment equity regulation for Ontario police services came into force in April, 1991 under the *Police Services Act*. The regulation requires police services to submit employment equity plans to the Ministry, which include goals for hiring and promoting prescribed groups based on their local community representation. The first employment equity plans were submitted in May 1992 from every municipal police service in Ontario as well as the Ontario Provincial Police. These plans include goals for hiring of racial minorities, Aboriginal people, women and persons with disabilities.

158. The Ministry has selected law enforcement as an occupation for which there should be more recruiting from designated groups. A project is under way to standardize the qualifications and selection process by which police are hired in order to maintain high standards and fair and equal access to policing careers by all Ontarians. A youth-police mentoring program is directed at Aboriginal and Black youth to enhance police-community relations.

159. Canada and Ontario ratified the Ontario First Nations Policing Agreement (1991 to 1996) in March 1992. The Agreement improves policing services to First Nations and provides a multiple year framework for transferring responsibility for policing of First Nations' territories to First Nations.

160. In April 1992, Correctional Services reorganized an in-house Standing Committee on Multiculturalism to include initiatives related to the Ontario Anti-Racism Strategy. This Committee is co-chaired by two Assistant Deputy Ministers.

161. The Ministry has reinstated six ethno-cultural counselling services contracts in September 1992. Under these contracts, a range of counselling services designed for specific ethno-cultural groups are provided in areas where the concentration of these clients warrants the delivery of culturally sensitive services.

162. Correctional Services conducted a field survey in April 1993 to determine the additional program needs of diverse ethno-cultural and visible minority client groups in order to assist in developing and designing the future delivery of client services. The next phase will be consultation with representative groups to identify needs.

163. Early in 1993, the Ministry conducted anti-racism focus groups, with broad representation from correctional services, to examine practices that could contribute to systemic racism within the correctional system. The purpose of the activity is to identify the issues of systemic racism and discrimination that the Ministry is facing, and to move toward solutions. An action plan will be developed to respond to the report when it is completed.

#### Ministry of Housing

164. The Ministry has designed "Planning Together", a program to improve the quality of life in public housing communities in Ontario. Part of the program asks special local planning committees to deal with discrimination, racism and harassment, and asks tenants, public housing staff and others to work together to meet certain standards. These standards include having a policy on race and ethnic relations, having a mechanism to deal with complaints of harassment, and establishing links with local ethno-specific organizations that can provide tenants with interpretive, educational and support services.

165. The Ministry held consultations with Aboriginal people on non-profit housing. The project was called Aboriginal Off-Reserve Non-Profit Housing Consultations and was geared toward Aboriginal people having a say in their housing. It also built on the experience gained from working with Aboriginal housing-providers and with Aboriginal people who would live in the proposed housing.

166. A branch of the Ministry is also developing an access-to-services model to improve the delivery of services to our racially diverse communities. The model includes delivery of services in a way that is culturally appropriate. An example would be providing information to public housing tenants in a variety of languages.

167. The Ministry has also introduced a comprehensive accelerated program of employment equity for its employees, as directed by the Government of Ontario. The aim is to increase the representation of racial minorities and other disadvantaged groups at all classification levels. Another element of the Accelerated Employment Equity Program is a Workforce Discrimination and Harassment Policy, a key objective of which is to remove all forms of racial and other discrimination and to create a work environment free of discrimination, where people are treated with respect for the dignity and worth of each person.

#### Ministry of the Attorney General

168. As Chief Law Officer of the Crown, the Attorney General retains special responsibilities with respect to equality and prevention of racial discrimination. The Ministry of the Attorney General serves as joint chair of the Cabinet Round Table on Anti-Racism, referred to above. In 1993, the Ministry of the Attorney General established an Anti-Racism Unit, the mandate of which includes creating and maintaining an equitable work environment and developing strategies to ensure equal access to justice regardless of race. The Ministry also acts as the primary governmental liaison with the Commission of Inquiry into Systemic Racism in the Criminal Justice System. That Commission was set up in response to the Stephen Lewis report, referred to above. In 1993, an Aboriginal Justice Unit was established within the Ministry. The Unit co-ordinates the Ministry's involvement on Aboriginal issues.

#### **Article 4**

169. The Crown, represented by the Ministry of the Attorney General for Ontario, was one of the parties in the case R. v. Zundel, a criminal prosecution dealing with hate propaganda, which was decided in August 1992 by the Supreme Court of Canada. See paragraphs 6 and 7 for details.

#### **Article 5**

170. A Commission of Inquiry into Systemic Racism in the Criminal Justice System was established in response to the Stephen Lewis report, referred to above.

#### **Article 7**

#### Ontario Women's Directorate

171. Workplace equity, education and training, violence against women, sex role stereotyping and other barriers to access facing Aboriginal and racial minority women are addressed through OWD's Change Agent projects (partnership with employers, unions and community groups), other employment equity initiatives and public education campaigns. Following are some of the OWD initiatives aimed at the needs of Aboriginal and racial minority women in 1992-1993:

- (1) The Ontario Women's Directorate is developing a resource document about mentoring programs for young Black women with the assistance of an advisory committee

comprised of representatives from the Ontario Anti-Racism Secretariat, community centres and Black role-modelling programs. The resource document will provide practical "how to" information for communities and organizations interested in establishing their own mentoring programs, and will also describe existing programs and useful resources.

- (2) The Ontario Women's Directorate and the African Heritage Educators' Network are collaborating on a Change Agent partnership project to assist young high-school-aged Black women to challenge and deal with the sexism and racism they face. The project is applying a community development approach, including involving several young high-school women and the Ontario Anti-Racism Secretariat to steer the project and to design an after-school "Encouragement Program" for young Black women.
- (3) The Ontario Women's Directorate and the African Training and Employment Centre developed a workplace orientation workshop for visible minority and immigrant job-seekers, which is being delivered in a "train-the-trainer" format to counsellors at community agencies who provide employment-related services to new immigrants.
- (4) "Education at Work" was a project to assist immigrant and racial minority women who are entry-level nursing attendants to enrol in registered nursing attendant programs. The project was a partnership between the Canadian Union of Postal Employees Local 79, Metro Toronto's Homes for the Aged Division, Centennial College and the OWD.
- (5) The Directorate worked in partnership with the Aircraft Maintenance Engineers Association to develop a video and guide to encourage women to become aircraft mechanics. The project focuses on Aboriginal women.
- (6) The OWD marketed "Employment Equity for Aboriginal Women", a Change Agent project with the Ontario Métis Aboriginal Association, by distributing 6,000 copies to employers, unions, teachers and Aboriginal and community organizations.
- (7) The OWD produced two written profiles describing the status of Aboriginal women and racial minority women in the workforce, and highlighting the issues of racism and sexism in the workplace.

172. Information on the Directorate and its initiatives is translated into languages other than English and French, and is publicized through various ethnic media. In 1992, to ensure that the materials on wife-assault prevention were culturally appropriate, groups working with women in six ethnic communities were contracted to write the materials.

#### Ministry of Community and Social Services

173. Employment equity within the Ministry is supported by a unit within the Human Resources Branch dedicated to this issue. The Ministry is taking a range of initiatives, such as training to heighten awareness of equity issues and to reduce racial discrimination. Staff from across the Ministry are required to attend these training courses.

174. The Ministry is taking a number of measures to ensure that language is not a barrier to individuals' access to social assistance and related services. These measures include ensuring that services are available in key languages, increasing the availability of cultural interpreters, developing information materials and providing sensitization training for staff who deliver services related to social assistance.

#### Ministry of the Solicitor General and Correctional Services

175. Special programs have been developed to provide police with race-relations training, including an interactive training program using laser-disc and computer technology and an eight-day training course. In September 1992, a process began to integrate race relations issues throughout the Ontario Police College curriculum. Anti-racism workshops have been provided to staff working in victim services.

176. Correctional Services has conducted a number of anti-racism awareness workshops in February and March 1993, at several locations in the province. At these workshops, representatives of visible minority communities met staff to discuss race relations issues and the correctional system.

#### Ministry of Housing

177. Funding had been provided to local public housing communities to initiate pilot race relation activities. Thirty projects, ranging from needs assessments projects, to a Native tenant liaison worker program, to youth outreach programs, were carried out. Results from these projects were shared with public housing staff from across the province at a one-day workshop held on International Human Rights Day, December 10, 1992. The workshop was hosted by a provincial race and ethnic relations work-group made up of public housing staff and tenants.

178. The Youth Operational Strategy (OPS) has been adopted to address the particular concerns of young people and especially youth belonging to racial minorities. Their activities are co-ordinated by a Youth Advisory Committee, where staff of the Metropolitan Toronto Housing Agency (MTHA) and youth work together to review and resolve issues. MTHA staff also provide training to empower youths to deal confidently with difficult situations that they may face. Another initiative involving the Race Relations Policies and Programs Branch of MTHA, is the Youth OPS Mini-Operational Strategy, which gave rise to a newspaper, "Youth OPS News", which is produced by the youths.

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### Québec

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179. This report describes the action taken by the Government of Québec in application of the Convention. It completes, to May 1993, the information found in the previous reports.

## General

180. The general legal framework prohibiting racial discrimination in Québec is laid down by the Québec *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12). The details were presented in the earlier reports submitted to the Committee.

181. In addition to the Charter provisions, legal protection of human rights and freedoms is based on provisions of the Civil Code, which constitutes the *jus commune* of Québec. According to the new *Civil Code of Québec*, which came into force on January 1, 1994, it governs persons, relations between persons, and property "in harmony with the Charter of human rights and freedoms".

182. The Commission des droits de la personne has been given the responsibility for promoting and upholding, by every appropriate measure, the principles of the Charter. The *Act to Amend the Charter of Human Rights and Freedoms and Establishing the Tribunal des droits de la personne* (S.Q. 1989, c. 51), which came into force on December 10, 1990, changed the mandate and investigative procedure of the Commission des droits de la personne in discrimination matters. The Commission is now required to act on behalf of the alleged victim and to seek any evidence needed to determine the validity of the complaint. If the complaint is valid and a negotiated settlement is impossible, the Commission may submit the matter to the Tribunal on behalf of the victim.

183. The new legislation established a permanent specialized Tribunal in discrimination matters. An application may be submitted to the Human Rights Tribunal by the Commission as the result of an investigation, or by the victim himself or herself after the Commission has decided not to apply to the Tribunal. The victim may also submit an application at any time to an ordinary court of law.

184. Where immigration is concerned, Québec's policy prohibits any form of discrimination based on a candidate's race or geographic origin but instead considers his or her personal attributes (training, experience) and potential for adapting to a Québec society described as being multi-ethnic and Francophone.

185. The Government's most important and most comprehensive recent initiative in this sphere has been the adoption of the Policy Statement on Immigration and Integration [Énoncé de politique en matière d'immigration et d'intégration], which was published in December 1990, and of the related plan of action. The Statement defines the general orientations on which the Government's activities in relation to integration and to intercultural and interracial relations are based:

- (a) the development of francization services and the promotion of the use of French by immigrants and by Québeckers of all origins;
- (b) increased support for the opening up of the receiving society and for the full participation, without discrimination, of immigrants and of all Québeckers in the economic, social, cultural and institutional life of Québec; and

- (c) interventions aimed at the development of harmonious intercommunity relations between Québeckers of all origins.

186. As for the plan of action, one of its goals is to adapt Québec institutions to the pluralist reality. A fund [the Fonds d'initiative] has been set up to help the Government's departments and agencies effect measures related to the plan of action and launch innovative projects: \$5.8 million will be allotted to projects for the adaptation of institutions over a four-year period. The most important of those measures will be to: i) adapt services, programs and policies, and to educate staff about the pluralist reality; ii) to hire Québeckers from the cultural communities; iii) to evaluate the accessibility of services; and iv) to adapt communications intended for clients from those communities.

187. The Government is also participating in a form of partnership involving associations from the cultural communities and from the receiving society, municipalities and the private sector. The new grant programs of the Department of Cultural Communities and Immigration are focused on four main objectives: i) reception and establishment of immigrants; ii) adaptation of institutions; iii) intercommunity relations; and iv) support for integration into the labour market. An amount of over \$7 million has been allotted for these purposes for the 1992-1993 fiscal year.

188. In terms of information on immigration in Québec, the following data update those supplied earlier, especially paragraph 91 of the tenth report. In 1989, 1990, 1991 and 1992 respectively, Québec received 34,171; 40,842; 51,707; and 48,377 immigrants, who came from the following main geographic regions:

	1989	1990	1991	1992
	Percentage			
Africa	11	12	12	12
Asia	50	54	50	49
Latin America	7	9	15	14
West Indies	9	7	7	7
Europe	21	16	14	17

## Article 2

189. A new police code of ethics applicable to every Québec police officer came into force in September 1990. In addition, the Department of Public Security has adopted a policy on intercultural and interracial relations. That policy is supported by plans of action through which the Department's various entities, including the police forces and correctional services, undertake to carry out, among other things, training, consciousness-raising, adaptation and communication activities.

190. The Department of Public Security set up a working group whose mandate includes the submission of recommendations to counter or prevent racial discrimination or racism in the Montréal Urban Community's police force. The working group submitted its report on December 13, 1992. After the presentation of the report, the Minister decided as follows: i) to accept the Montréal Urban Community's plan of action as a necessary first step in the improvement of relations between the Community's police force and black communities; ii) to have the Department of Public Security participate in the annual review of the implementation of the Montréal Urban Community's plan of action; iii) to have a report drawn up on any projects on the exercise of police discretion that have already been carried out; and iv) to study any initiatives taken in relation to the continuing education of police officers on the subject of the police code of ethics.

191. In addition, the Department of Public Security has, for the correctional services, drawn up a plan to increase the awareness of its staff, established a network of identified resource persons to provide support for staff working with offenders from cultural communities, and held a large number of meetings, conferences and discussions in order to develop lasting and harmonious links with the communities and with their associations.

192. In March 1992, the Sûreté du Québec held a two-day meeting to consult with 18 leaders from 13 cultural communities to help it align its approach with the communities and their recruitment activities. It also offered nearly 20 summer jobs to students from cultural and aboriginal communities in 1992 and 1993. In addition, it set up a joint working group of police forces and cultural communities in March 1993 in order to develop a structure of consultation, which would enable possible crisis situations to be managed. The Sûreté du Québec has also taken action to increase the number of its Aboriginal staff members.

193. Where health and social services are concerned, all of the measures are, in accordance with the *Charter of Human Rights and Freedoms*, aimed at ensuring that every person, no matter what his or her ethnic or racial origin or mother tongue may be, has equal access and can obtain services of quality.

194. The *Act Respecting Health Services and Social Services* (R.S.Q., c. S-4.2) contains specific provisions on cultural communities; their purpose is to permit access to health services and social services in conditions of equality within the meaning of the Convention. They concern, among other things, the organization of resources and of institutions; the priorities and orientations of institutions; service organization plans; and the accessibility of services.

195. In the same way, the Act contains provisions specific to English-speaking persons, which particularly relate to the right to receive health services and social services in the English language.

196. Aboriginal communities are also covered by the *Act Respecting Health Services and Social Services*. In addition, special legislative measures have been adopted in respect of the Cree and Inuit.

197. The Department of Recreation, Fish and Game has developed a program aimed at improving the socio-economic situation of Aboriginal people. Its purpose is to promote Aboriginal peoples' access to employment in the context of calls for tenders for the establishment of exclusive rights for outfitting operations. The Department's consultations with the Commission des droits de la personne have contributed to having the program respond in legal terms to the requirements of the *Charter of Human Rights and Freedoms*. The Department's program went into effect in April 1991.

198. In the last full year covered by this report, namely 1992, the Commission des droits de la personne opened 125 new files, or 15.5 per cent of all the investigation files that the Commission has opened, in response to complaints alleging discrimination on the basis of race, colour, or ethnic or national origin. By sector of activities, those 125 files are distributed as follows:

SECTOR	NUMBER OF FILES OPENED
Employment	79
Accommodation	15
Access to goods and services	14
Access to public transportation and public places	11
Judicial rights	4
Other	2
<b>TOTAL</b>	<b>125</b>

199. It can be seen that employment is a key sector; most of the files opened in that sector concern allegations of discrimination in the victim's dismissal or conditions of employment.

200. Furthermore, a significant number of cases concern allegations of racial harassment or of harassment based on ethnic or national origin. In 1992, the Commission opened 28 such harassment files, or 17.2 per cent of all harassment files. Fifteen of them concerned the employment sector, while six concerned accommodation.

201. To promote the application of section 10.1 of the *Charter of Human Rights and Freedoms*, which prohibits any harassment based on race, colour, or ethnic or national origin, the Commission des droits de la personne launched a Policy on Racial Harassment in the Workplace [Politique pour contrer le harcèlement racial en milieu de travail] in 1992. The Policy defines racial harassment as conduct in the form, for example, of repeated hurtful or contemptuous comments, acts or gestures based on race, colour, ethnic or national origin, religion or language. It regards racial harassment as an expression of racism and notes that both the harasser and the harasser's employer are legally responsible for such conduct. A model policy on racial harassment in the workplace is proposed for employers.

202. Still in 1992, the Commission brought 33 actions before the Human Rights Tribunal, or double the number of the previous year. Six of those actions alleged discrimination based on race, colour, or ethnic or national origin, including one involving racial harassment. Several of those actions are still pending. In addition, settlements were negotiated in a number of actions before trial.

#### Article 4

203. Section 11 of the *Charter of Human Rights and Freedoms* provides for protection from the publication, distribution or public exhibition of a symbol involving discrimination.

204. In 1990, the Commission des droits de la personne combined with non-governmental organizations working to promote rights and freedoms and intercultural rapprochement to establish the Comité d'intervention contre la violence raciste [Committee to Combat Racist Violence]. The mandate given the Committee was to analyse racial violence in Québec and to propose ways to combat it to the appropriate authorities.

205. The Committee published its report in June 1992. Entitled "Violence et racisme au Québec" [Violence and Racism in Québec], the report evaluates a consultation involving a number of ethnic, community, school, police and government institutions. It presents a sociopolitical analysis of the causes and symptoms of racist violence, which it considers to be a disturbing, although still marginal, phenomenon. The Committee expanded its examination of the subject by organizing a symposium on racist violence with 200 participants in March 1993. One of the symposium's goals was to propose, on the basis of the working hypotheses presented in the Committee's report, concrete ways to combat racist violence in four sectors: community action, judicial action, education and the responsibilities of political institutions. The report of the symposium, which is now being prepared, will be sent to the political, social and community authorities concerned.

206. In parallel with these major activities of analysis and reflection, the Commission is also taking tangible steps against racist movements.

#### Article 6

207. At the judicial level, on April 8, 1993, the Human Rights Tribunal allowed the action brought by the Commission des droits de la personne in the first racial harassment case to be decided by a Québec tribunal. On the basis of section 10.1 of the Québec Charter together with sections 16 (right to equality in conditions of employment) and 46 (right to conditions of employment, which have proper regard for the worker's health safety and physical well-being), the Tribunal held that the complainant, who was represented by the Commission, had been the victim of racial harassment for which his employer was legally responsible. The complainant, a teacher, had been the target of several types of mockery and insults of a racial nature by his students. The Tribunal's judgment (which quotes the Convention and other international instruments at length) establishes the principle that the employer must provide the employee with a work environment free of harassment. This duty also applies when the harassment can be attributed to non-employees (students in the case in question).

The Tribunal adds that the mere fact that the employer has adopted an anti-harassment policy is insufficient to release it from its responsibility, if the policy has not been adequately publicized or if vigorous action has not been taken to stop the harassment. The Tribunal awarded the victim an amount of \$10,000 as compensation for psychological injury.

## Article 7

### Education

208. Since 1991, the Department of Education has included acquisition of the following skill among the educational standards for teachers: "the ability to detect and combat the various forms of discrimination, including those based on sex, race, religion or a handicap".

209. The Department has also completed the measures already in place prior to 1991. An educational document has been added to those already existing in respect of education as to rights. Intended primarily for secondary teachers, it proposes a set of activities to enable students to learn about the various human rights concepts. Many of those activities deal with discrimination in all its forms and are, of course, intended to eliminate it. The document, which was completed in co-operation with Québec's Commission des droits de la personne, was distributed in all the school boards and secondary schools in early 1991. A similar document for elementary schools should be available in 1994.

210. In 1992, the Commission des droits de la personne reached over 2,500 persons in the 97 training sessions it gave on human rights and freedoms. Those sessions were intended, among others, for school boards, elementary and secondary schools, and parents' committees, and the topics they covered included racism in the school.

211. The Commission is also responsible for educational activities outside the school environment, in, for example, the workplace and the legal field.

212. Lastly, the Commission launched a training program on interethnic and interracial relations for its staff in 1992, and continued to provide it in 1993.

213. It should also be noted that the Sûreté du Québec has developed a training course on intercultural and interracial relations, which is available to all Québec police forces.

### Culture

214. Three cultural community awards [prix des Communautés culturelles] are granted each year to persons or organizations whose actions have made a noteworthy contribution to the rapprochement of one or more cultural communities with the Francophone community. Two special mentions recognizing cultural rapprochement were also awarded in 1991.

215. Each year, the Commission des droits de la personne organizes the commemoration of Black history month in February ["Février, mois de l'histoire noire"], the purpose of which is to publicize the history of the Black community and how it has contributed to the building

of our society. In 1992, the City of Montréal and the Department of Cultural Communities and Immigration also participated in the commemoration. The activities included, in particular, a panel of historians and legal experts on topics ranging from slavery in New France to the struggle for rights and the reality of Black women.

216. Lastly, the Government granted substantial financial and technical assistance to the Cree Nation Youth Council for the organization in July 1992 of the First World Indigenous Youth Conference. A number of that Conference's activities in fact concerned the improvement of interethnic understanding.

### Information

217. In accordance with its information mandate, the Commission des droits de la personne provides wide distribution of information on rights and freedoms. More than 10,000 copies of the Charter were distributed in 1992 together with pamphlets on racial discrimination and racial harassment. At the same time, the Commission continues to publish "Communication", a newsletter that reports on judgments and decisions related to discrimination, and its quarterly information bulletin "Forum Droits et Libertés".

218. In 1992, the Commission produced and launched a video on the difficulties faced by immigrants in finding a place to live. A teaching guide comes with the video for use in training sessions.

219. The Nouveaux Visages [New Faces] program implemented in 1989 by the Department of Cultural Communities and Immigration permits Québeckers from the cultural communities to do practical work terms in the print media, television and radio.

220. The Secrétariat aux Affaires autochtones [Aboriginal Affairs Secretariat] publishes a magazine entitled "Rencontre", whose purpose is to promote a better understanding of Aboriginal people by non-Aboriginals and to bring the two communities closer together.

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## **PRINCE EDWARD ISLAND**

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221. The Government of Prince Edward Island reports that, in the period covered by the present report, no new developments occurred, which would add to the information already contained in previous reports.

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## **NEW BRUNSWICK**

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### **Article 1**

222. New Brunswick adopted, in 1986, a Policy on Multiculturalism, which is to work for equal treatment for all citizens of all cultures. It represents a commitment to equality in

matters of human rights and cultural expression, and in access to and participation in New Brunswick society. Implementation of the Policy is guided by a Ministerial Advisory Committee on Multiculturalism, consisting of members representing all cultural communities as recommended by non-profit organizations having a stated interest in the multicultural nature of New Brunswick society.

223. Since 1987, New Brunswick has provided support to non-profit multicultural, multiracial organizations under its Multiculturalism Grants Program. Funds are contributed for operational support and for special projects, many of which are educational programs directed at cross-racial, cross-cultural understanding and the elimination of racial discrimination. Activities have included the development of materials and workshops for teachers, police, health-care givers and community leaders, as well as public campaigns commemorating the International Day for the Elimination of Racial Discrimination. In 1989, the Government of New Brunswick, as an employer, added visible minority persons as a target group within the Equal Employment Opportunity (EEO) Program. This has resulted in increased opportunities for job experience both in the summer student and the ongoing components of the EEO Program.

Department of Advanced Education and Labour  
Human Rights Commission

224. The New Brunswick Human Rights Commission is responsible for the administration of the New Brunswick *Human Rights Act*. The principal importance of the Act lies in the encouragement it gives to a climate of tolerance and understanding, which will save persons from being subjected to indignity or placed at a social disadvantage. Section 13 of the Act provides that special programs, which are designed to promote the welfare of a class of persons, must be approved by the Human Rights Commission.

225. Affirmative action plans and employment equity plans are examples of special programs provided for in section 13. Such special programs are often designed to promote the welfare of women, Aboriginal people, persons with disabilities, or members of visible minority groups. Special programs generally involve the identification and removal of systemic barriers in employment, housing or education that discriminate against designated groups. In addition, special programs may involve the implementation of special measures, which are designed to accommodate differences and to achieve and maintain a representative workforce.

226. The Human Rights Commission has authority according to section 13 of the Act to review programs that are intended to promote the welfare of any class of person. If the Commission should choose to do so, it may vary or impose conditions on the program, or withdraw its approval of the program if it sees fit.

## Article 2

### Department of Advanced Education and Labour Human Rights Commission

227. The New Brunswick *Human Rights Act* prohibits discrimination on many grounds, including sex, race, colour, religion, national origin, place of origin or ancestry, sex, sexual orientation, physical or mental disability, and age. The areas where discrimination is prohibited include all aspects of employment, leasing and sale of premises, accommodations, services or facilities available to the public, membership in labour unions and professional, business or trade associations, and publicity.

228. During the fiscal year 1991-1992, the Human Rights Commission processed a total of 98 formal complaints, six of which were based on race, one on colour and one on ancestry. The main functions of the Commission are carried out through two approaches: the development and promotion of human rights education and the processing of complaints regarding alleged violations of the Act. The compliance and the educational approach contribute equally in attempting to accomplish the Commission's mandate.

### Department of Education

229. The Department of Education recognizes its special responsibility in multicultural and human rights education. In August 1989, a Ministerial statement entitled "Multicultural/Human Rights Education" was released outlining the Department's commitment to ensuring an environment free of discrimination for all students and personnel within the educational system. The guiding principles of the statement are: i) that every individual has a right to be educated in a school system that is free from bias, prejudice and intolerance; ii) that any manifestation of discrimination on the basis of sex, race, ethnicity, culture or religion by any persons in the public school system is not acceptable; iii) that school programs and practices promote students' self-esteem and assist in developing a pride in one's own culture and heritage; iv) that the school curriculum be free of bias and stereotyping and open to the study of the contributions and achievements of all people; v) that multicultural community groups be actively involved in shaping policy and practices in the school; and vi) that employment and promotion practices will be based on merit and ability and be free from discriminatory barriers.

230. The Department of Education attempts to promote racial harmony by sensitizing students in the school system, as well as teaching staff, to various issues related to racial discrimination. The Department has marked special events such as Heritage Day, the International Day for the Elimination of Racial Discrimination and Citizenship Week as an opportunity to promote racial tolerance as well as encourage a better understanding between various cultural and ethnic groups within society. Activities and initiatives in this regard take place on an annual basis at the Department as well as in the public school system.

### Department of the Solicitor General

231. The New Brunswick Department of the Solicitor General is currently consulting with representatives of the Solicitor General of Canada and of First Nations' communities regarding implementation of the federal First Nations Policing Policy, which is intended to provide reserves with more culturally sensitive law enforcement. The Correctional Services Division of the Department of the Solicitor General currently employs two Native probation officers, one of whom is dedicated to serving the reserve population.

### Intergovernmental Affairs

232. The Province of New Brunswick has recently reaffirmed the following policy commitments in the area of Aboriginal Affairs: to further the self-reliance and well-being of the Aboriginal people of New Brunswick, both on and off reserve, through pragmatic social and economic development initiatives; to respect the Aboriginal and treaty rights of the Mi'Kmaq and Maliseet peoples in a way that promotes harmony and collaboration between Aboriginal and non-Aboriginal people; and to participate in practical projects that support the continued development of self-governing arrangements for First Nations' communities. Each provincial department and agency is responsible for identifying and implementing concrete measures that advance the Government's policy direction for Aboriginal Affairs.

## **Article 4**

### Department of Advanced Education and Labour Human Rights Commission

233. Section 6(1) of the *Human Rights Act* states that "No persons shall (a) publish, display, or cause to be published or displayed, or (b) permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that he owns or controls, any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex."

### Department of Education

234. In April of 1988, Mr. David Attis filed a complaint against School District # 5 under section 5 of the Human Rights Act. The complaint alleged that Mr. Malcolm Ross, a schoolteacher in this district, was spreading anti-semitic hate propaganda in the classroom. A Board of Enquiry, which met from December 1990 to August 1991, ordered that the Department of Education make an annual review to assess implementation of the ministerial statement on "Multicultural/Human Rights Education"; that it periodically appraise race relations in schools and respond to any problems found; and that it review the *Schools Act* to decide whether to include a reference to professional conduct required of teachers. It also recommended some disciplinary measures to be taken against Mr. Ross. Mr. Ross appealed this decision to the Court of Queen's Bench, which has not yet rendered its decision.

235. In addition to various articles in the *Human Rights Act* that prevent the publication and distribution of discriminatory literature, the Department has conducted a review of curriculum materials to ensure that they are free of bias and stereotypes and that they depict the contributions and achievement of all people in a favourable fashion. Information sessions are held for curriculum development groups to instruct them in the use of guidelines to detect bias and stereotyping in learning materials.

#### Department of Justice

236. The New Brunswick Department of Justice has taken the lead in attempting to have the hate literature provision of the *Criminal Code* made more effective. A proposal to that effect is currently before the Committee of Deputy Ministers of Justice. The Law Reform Branch has been exploring provisions on group defamation as a possible vehicle for use as an effective civil remedy.

### Article 5

#### Department of Education

237. The Department of Education supports the principle of equal employment opportunity for all persons. Through participation in the Equal Employment Opportunity Program and the Employment Equity Program, special measures are adopted to ensure that the workplace is free of barriers to the advancement and representation of people with disabilities, Aboriginal people and members of visible minorities. Employment equity initiatives not only address various issues related to the occupational status of women, but encourage a review of employment systems and practices to ensure that they are free of discrimination for all people. The Minister of Education has recently announced the extension of the Employment Equity Program to Part II of the Public Service.

#### Department of the Solicitor General

238. The Correctional Services Branch of the Department of the Solicitor General has endeavoured to ensure the equal access of Aboriginal inmates to culturally sensitive spiritual services through programs of visits by elders and participation in sweet grass ceremonies. This Branch has been involved in unofficial discussions with Aboriginal leaders on the development of institutional policy and procedures.

### Article 6

#### Department of Advanced Education and Labour Human Rights Commission

239. All formal complaints of discrimination under the New Brunswick *Human Rights Act* must be written on a form prescribed by the Act. The complaint is then assigned to a Human Rights Officer who conducts a full and complete investigation. If the Commission deems that the complaint has merit, the officer must then identify certain requirements that

would provide a satisfactory solution to the complaint and attempt to effect the settlement through conciliation.

240. If the complaint cannot be settled, the Commission may recommend that the Minister of Advanced Education and Labour, who is the Minister Responsible for the Human Rights Commission, appoint a Board of Inquiry as provided for under section 20(1) of the Act. The Board is an impartial party composed of one or more individuals whose mandate is to conduct an inquiry into the complaint. The Board, through the process of a hearing, gives all parties a full opportunity to present their cases in person or through legal counsel.

241. Based on the evidence presented to it, the Board of Inquiry can decide whether, on the balance of probabilities, a violation of the Act has or has not occurred. If the Board finds a violation has not occurred, it dismisses that complaint. If the Board finds a violation has occurred, it may order the party found to have violated the Act to, among other things: i) refrain from actions that violate the Act; ii) rectify any harm caused by the violation; iii) reinstate or restore any party who has been removed from a position because of the violation; and iv) compensate any party adversely affected for both financial loss and emotional suffering, in such an amount as the Board considers just and appropriate, as provided for under section 20(6.2).

#### Department of Education

242. All personnel and students in the education system benefit from the same protection against discrimination that is afforded all residents of the province through the administration of the New Brunswick *Human Rights Act*.

### **Article 7**

#### Teaching and education

243. In 1991, New Brunswick initiated annual government-wide activities in commemoration of the International Day for the Elimination of Racial Discrimination. All departments and facilities participate in the campaign with appropriate educational activities. Centralized co-operative exhibitions and activities call attention to the reality of cultural and racial diversity in the civil service and the province, and the need for cross-cultural understanding. An annual Heritage Week provides an opportunity to celebrate the contributions of all cultural groups. An interdepartmental committee co-ordinates programs across the public and private sectors, and across government jurisdictions.

#### Department of Advanced Education and Labour Human Rights Commission

244. During the period under review, the New Brunswick Human Rights Commission produced a variety of educational materials on the subject of racism. These included: "Say No To Racism", an information pamphlet regarding racial discrimination and what you can do to combat it; articles on racial discrimination and employment, provided by Commission staff members, which appeared in New Brunswick newspapers; "Human Rights: Audio-

Visual Resource Guide" containing information on audio-visual resources on human rights in New Brunswick, with particular emphasis on issues related to racism; Keys/Les Clés, a half-hour video drama and accompanying resource guide, which examines youth employment and accommodations, but which also discusses human rights issues, such as prejudice, stereotyping, racism and discrimination in addition to provincial, national and international human rights protection. Keys was developed with the assistance of the Public Legal Education and Information Service of New Brunswick. A mobile display to mark the International Day for the Elimination of Racial Discrimination was also created.

245. Two additional projects are currently under way: a resource guide for teachers in the area of racism, prejudice, stereotyping and discrimination; and a video series on prejudice, racism and discrimination. The latter project is funded by the Equal Employment Opportunity Program of the Department of Finance.

246. Following are some of the activities in which Commission representatives took part during the International Day for the Elimination of Racial Discrimination: i) a screening of A Darker Side, a film, produced by the New Brunswick Film-Makers' Co-operative, on apartheid in South Africa and its connection to ordinary persons in Canada; ii) the release of new public information materials entitled "Say No to Racism"; iii) the release of a new public mobile display featuring definitions of racism, prejudice, discrimination and stereotyping; iv) the sending of letters to every school in the province encouraging them to organize activities to mark the International Day; v) the obtaining of permission to use a video made by the Canadian Association of Independent Broadcasters entitled "Racial Harmony" in non-broadcast settings; vi) public information displays featuring new materials in Fredericton, Saint John and Moncton; and vii) International Day activities organized by the Multicultural Office.

247. Commission staff members are frequently called upon to deliver workshops and seminars on the subject of racism in junior and high schools, universities, community colleges, non-governmental organizations, municipal and government departments, and a variety of community and professional organizations. In addition, Commission staff members regularly participate in staff training on specific subjects to improve their knowledge of issues related to racism. These have included a one-day seminar called "Fostering Racial Harmony in the Workplace", co-sponsored with the City of Saint John, and a one-day seminar called "Strength in Cultural Diversity".

#### Department of Education

248. The Department of Education's principal role in the elimination of racial discrimination and the promotion of human rights and multicultural awareness has been in the field of education and teaching. Districts have been directed to develop a policy consistent with the thrust of the Ministerial Statement on Multiculturalism and Human Rights and to feature a progress report as part of the Annual Report of the District. A document entitled "Human Rights in the Curriculum", prepared in 1988, is currently being updated. A document entitled "Checklists for Detecting Bias and Stereotyping in Instructional Materials" was prepared in 1990.

249. An Indian Education Policy has been prepared by the Department of Education. A number of measures have been taken in this area: i) an Indian Education Consultant has been hired; ii) Native Studies 120 is being piloted in a number of schools ("Maliseet and Micmac: First Natives of the Maritimes" is being piloted for this course); iii) a curriculum guide is in preparation; iv) Aboriginal language programs and materials are being developed; v) in-house courses are being held for teachers in various districts for the Indian Education Orientation Program; vi) a publication entitled "A Circle of Understanding" offers guidelines for provincial schools enrolling Aboriginal students; vii) workshops are being conducted on the heritage and culture of First Nations; viii) a Provincial Indian Education Curriculum Development Committee has been put in place to review the direction and support for the study of Aboriginal people in the curriculum; and ix) in response to the report on Excellence in Education, two initiatives are going forward, one to increase the number of Aboriginal teachers and the other to support Aboriginal learners.

250. The Department of Education is a partner in The Global Education Project, a major five-year initiative in support of a stronger concentration on global issues across the curriculum. Co-operative initiatives have been undertaken with the Atlantic Human Rights Centre, including the 1990 publication "The Legacy of Human Rights", which was distributed to all schools in the province. The Department of Education supports various special events throughout the year in conjunction with other government agencies. These include distributions and activities related to Heritage Day, the March 21st celebrations and Citizenship Week.

251. The Holocaust Topic of Study has been developed for the History 112 and 113 curriculum; a number of library resources were sent to all schools to support this study. In various subject areas, new resources have been identified that support the study of the contribution and achievements of all peoples. One major goal is the collection of titles of publications that deal with human rights issues and various multicultural topics. Titles are also being gathered for recommendation to libraries. Audio-visual resources, which support our overall goals in the areas of multiculturalism and human rights are being purchased.

252. The Department of Education is currently working on a Maritime Provinces' Education Foundation project, which deals with the area of human rights but also includes a multicultural element. The project encompasses an annotated bibliography on human rights materials; a teacher resource manual on human rights; and the production of a video and teacher guide on exemplary practices in human rights education .

253. In addition to various measures taken in the public school system, the importance of racial harmony has been underlined at the departmental level. In order to demonstrate leadership in this important matter, the Department is represented on both the Ministerial Advisory Committee on Multiculturalism and the Interdepartmental Committee on Multiculturalism.

254. Recently, the Human Resources Branch prepared the first in a series of articles giving profiles of staff members from different ethnic and cultural backgrounds. The articles have appeared in government publications, such as "Education New Brunswick" and "Perspectives". Social activities have been organized marking the International Day for the

Elimination of Racial Discrimination. Department staff have attended, and will continue to involve themselves in conferences and seminars addressing multiculturalism, human rights, equity and diversity in the workplace.

#### Department of Justice

255. The New Brunswick Department of Justice, along with other provincial and federal departments, provided funding for the Public Legal Education and Information Services of New Brunswick to carry out its legal information program. The program includes: i) The Keys video production in co-operation with the New Brunswick Human Rights Commission; ii) a Woman Abuse Conference, held on November 27 and 28, 1992, which featured workshops on immigrant women who find themselves in situations of abuse; iii) preparation of a pamphlet on immigrant women and abuse (part of a series of pamphlets on the abuse of women, another one of which will be one on Aboriginal women and abuse); and iv) research on the subject of immigrant women and abuse in New Brunswick, as part of a national Public Legal Education and Information project.

#### Department of the Solicitor General

256. In the area of education, the New Brunswick Department of the Solicitor General has incorporated the Government's policy on Multiculturalism into an employee's handbook as well as in training programs offered and distributed to executive directors. The Department of the Solicitor General is represented on the Interdepartmental Committee on Multiculturalism. In addition, a number of videos are available for all employees for the promotion of positive race relations and cross-cultural understanding. The Department of the Solicitor General uses the Equal Employment Opportunity Program in recruiting visible minorities.

#### Department of Advanced Education and Labour Human Rights Commission

257. Commission staff members took part in activities to mark the 200th Anniversary of the Departure of Black Loyalists for Sierra Leone. They also participated in various activities organized throughout the year by New Brunswick Aboriginal people, such as a two-day Native Awareness Days Conference at St. Thomas University; Coming Around, the opening production of Theatre New Brunswick's Young Company, a 3-day "Pow-Wow" organized by the Big Cove Indian Nation and a one-day Event and Feast to mark the 500th anniversary of the arrival of Columbus in Turtle Island.

#### Department of the Solicitor General

258. Native probation and parole officers were hired to ensure the delivery of Correctional Services and Programs to the Native clientele and communities of Burnt Church, Eel Ground, Red Bank, Big Cove and Tobique reserves.

259. In addition to distributing information to staff on the International Day for the Elimination of Racial Discrimination, the Department of the Solicitor General provided

information on the International Day to the 25 municipal police forces in the province. During the period under review, efforts were made to increase visible minority recruits for the Atlantic Police Academy.

260. The New Brunswick Human Rights Commission provides information and referral services to New Brunswickers on a wide variety of issues, including racism, prejudice and discrimination. The Commission also provides written materials, videos and pamphlets, and acts as a liaison between community organizations and individuals seeking information on specific subjects.

### Intergovernmental Affairs

261. Through the province's participation in the Agence de coopération culturelle et technique (ACCT) and the Association internationale des parlementaires de langue française (AIPLF), New Brunswickers contribute their expertise on an international basis to initiatives in the area of human rights and the elimination of racial discrimination. For example, since April 1992, a Moncton lawyer has been Director of the new Human Rights and Democracy Support Service of the ACCT. He is the past Director of the International Centre for Common Law in French, in Moncton, and the first New Brunswicker to occupy a position within the ACCT. A Member of the Legislative Assembly of New Brunswick has contributed his expertise to international efforts to promote democracy through the ACCT and the AIPLF by heading the mission that monitored the first organized parliamentary elections in the Republic of Djibouti in December 1992. This same parliamentarian and a Moncton law professor also contributed their expertise during an international seminar entitled "Observing Elections", which was hosted by the École internationale de Bordeaux, in France, in April 1993.

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## NOVA SCOTIA

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### General

262. The main period covered in this report is from January 1, 1992 to May 31, 1993. The report will also include some important measures taken during the periods covered by Canada's 10th and 11th reports on the Convention and not previously covered in previous reports.

### Article 2

263. The Nova Scotia *Human Rights Act* was amended in October 1991. The Act now provides protection against discrimination on the basis of the following grounds: race or colour, creed or religion, national, ethnic or Aboriginal origin, sex (including pregnancy), age, marital or family status, physical or mental disability, sexual orientation, political activity, affiliation or association, source of income, fear of contracting an illness or disease, or association with members of groups protected under the Act. Although persons of Aboriginal origin could lodge a complaint before the Act, they would have had to do so on

the basis of ethnic origin. Aboriginal origin is now specifically listed as one of the prohibited grounds of discrimination. The Nova Scotia Human Rights Commission's policy is such that complaints of racial harassment are considered to be complaints of discrimination.

264. The Nova Scotia Human Rights Commission continues to investigate complaints of racial discrimination. In the past five years, allegations of racial discrimination accounted for approximately 30 per cent of the complaints of discrimination in the area of employment and approximately 50 per cent of the complaints in the area of services.

265. A Race Relations Division was established within the Nova Scotia Human Rights Commission in 1991. Its mandate is to develop and recommend, both in the public and private sectors, programs and policies to promote cross-cultural understanding and to eliminate barriers to the full participation of members of racial minorities in society.

266. The provincial government appointed a Steering Committee on Employment Equity and Race Relations in 1991 made up of deputy ministers and heads of departments to formulate policies and monitor progress on employment and race relations issues. The Steering Committee will produce, through a working group, a draft race relations policy statement for the province.

267. The Race Relations and Employment Task Force set up under the Steering Committee by the Government was given the mandate to plan and deliver Race Relations and Employment Equity Training to departmental facilitators who, in turn, will provide service-wide training sessions to all government employees. The Task Force has also developed an Employment Equity Training Manual, which will be piloted in 1993, and is setting up a Race Relations and Employment Equity Resource Centre, which will include books, videos and newspaper articles.

268. The province continues to recognize March 21 as the International Day for the Elimination of All Forms of Racial Discrimination. The Human Rights Commission's theme for the day in 1992 was "Ring out Racism, Ring in Harmony", and the event was celebrated at Province House. The churches in the area were invited to include a discussion on racism in their sermons and to ring their church bells in unison.

269. Section 6, 9 and 25 of the *Human Rights Act* allows for employers and service providers to enter into special programs and activities, which have as a purpose the amelioration of conditions of disadvantaged individuals or classes of individuals. Such programs are deemed not to be a violation of the *Human Rights Act*.

270. The Affirmative Action Division of the Nova Scotia Human Rights Commission continues to work with employers and educational institutions with a view to entering into affirmative action agreements with them. At present, there continues to be increasing numbers of private and public sector employers and educational institutions who have registered affirmative action agreements.

271. Nova Scotia employers presently contracting their services to a federally regulated employer and Federal Crown Corporations must follow the employment equity guidelines established under the federal *Employment Equity Act*. This has had the effect of having such contractors and employers follow employment equity principles for their entire operation.

272. Section 10(1) of the Nova Scotia *Human Rights Act* specifically provides that where, in a regulation made pursuant to an enactment, there is a reference to race or origin that appears to restrict the rights or privileges of an individual or a class of individuals, the reference and all parts of the regulation dependent on the reference are void and of no legal effect.

273. The *Multiculturalism Act* was passed in 1989. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.

#### Article 4

274. Although the legislation respecting hate groups and hate propaganda is under federal jurisdiction, the provincial *Human Rights Act* provides for protection under section 7 with respect to publications, displays or broadcasts, which indicate discrimination or an intention to discriminate against individuals or classes of individuals. A board of inquiry has been appointed to decide on the matter of a sweatshirt alleged to be racially offensive.

#### Article 5

275. The Provincial Electoral Boundaries Commission was created to review the boundaries set up for provincial elections. One of its criteria was to ensure that the boundaries were set up in a manner, which would encourage and give an opportunity to Black persons and racial minorities to run for election. A new riding was created as a result of the review, and, in May 1993, a Black candidate was elected to the Legislature and subsequently appointed to Cabinet by the Premier. The Cabinet also includes a member of Lebanese origin.

#### Article 6

276. Protection against discrimination and compensation to victims is covered in preceding sections; see especially paragraphs 263, 264, 269 and 274.

#### Article 7

277. In 1992, the Nova Scotia Human Rights Commission released a policy statement on racial slurs, harassment and racial jokes, which sets out the Commission's interpretation of the *Human Rights Act*, as it applies to this form of discrimination.

278. The Select Committee on Education established by the Government to consult Nova Scotians on a wide range of educational issues submitted its report to the Government in March 1992. The Government accepted the recommendations of the Committee and as a result an Office of Race Relations and Cross-Cultural Understanding was created in the Department of Education. This Office is working with school boards, multicultural groups

and other partners in education to develop anti-racist principles and a provincial race relations policy. In addition, the Office is working with school boards to develop race relations policies at the board level.

279. A discussion paper and work-plan on race relations is being developed. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race relations policy will include school programs and practices promoting self-esteem and pride in particular cultures and heritages.

280. The Select Committee also discerned a lack of Aboriginal role models and a high drop-out rate among Aboriginal students in Nova Scotia. A Mi'kmaq education consultant has been hired to work with the multicultural co-ordinator and race relations consultant. The education consultant will work with the Mi'kmaq community to create a course on their history and culture. A pilot course, open to all students, will be available in schools in districts where sufficient numbers of Mi'kmaq children live.

281. The Government of Nova Scotia has appointed a Director of Public Prosecutions to ensure that all Nova Scotians, regardless of influence, race, sex or political affiliation, are dealt with fairly. It has also established a Court Structure Task Force to make the court system more accessible, understandable and efficient.

282. An Advisory Group on Race Relations formed in July 1991 was given a 30-day mandate to recommend a plan of action to accelerate the elimination of racism and racial discrimination in Nova Scotia. The group, composed of one representative each of the City of Halifax municipal government, the provincial government and the federal government, as well as eight members of the Black community, completed its mandate and submitted a report containing 94 recommendations. The three levels of government and the community use the report as a blueprint and continue to present updates on the recommendations.

283. The Department of Justice, Police Services Division designed an introductory Multicultural Training Course for criminal justice workers in the Province of Nova Scotia. The intent of the course is to assist police and correctional personnel in Nova Scotia to develop a basic understanding of other cultures and values, and to assist them in the normal discharge of their duties in a multicultural environment.

284. Dalhousie University and Dalhousie Law School continue to operate programs to encourage the enrollment of Black and Aboriginal students. The Transitional Year Program has been operating since 1972 and the Indigenous Black and Mi'kmaq Program at the Law School has been operating since 1987.

285. The Tawaak Housing Association was formed to provide assistance to Aboriginal persons, who have moved off reserve, to get established elsewhere. The Association receives its funding from the Canada Mortgage and Housing Corporation. It presently operates approximately 140 housing units throughout the province.

286. Previous reports have referred to the establishment by the Province of Nova Scotia, in October 1986, of a Royal Commission to inquire into the circumstances, which led to the

wrongful murder conviction of Donald Marshall Jr., a Mi'kmaq Indian. The federal and provincial governments continue to address the Royal Commission's 82 recommendations.

287. The Tripartite Forum consists of representatives of the federal and provincial governments and the Nova Scotia Aboriginal community. It was established in order to further the implementation of the recommendations of the Marshall Royal Commission concerning Aboriginal justice issues. The Forum was instrumental in establishing an Adult Diversion Program on the Indian Brook Reserve. This Program allows band members who have committed minor offenses to be heard by a Native Justice Panel made up of respected community members. The procedures and outcomes of these hearings reflect Aboriginal cultural standards. Negotiations are currently under way to establish an Aboriginal police force that would have jurisdiction on reserves on Cape Breton Island.

288. The Nova Scotia Human Rights Commission has produced a video on the work of the Commission, which gives examples of what constitutes discrimination. This video is available, in French and English, to students and adults. The Nova Scotia Human Rights Commission continues to help with the organization and delivery of conferences on human rights in the school system and in the private sector.

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## NEWFOUNDLAND AND LABRADOR

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### General

289. The *Human Rights Code*, administered by the Human Rights Commission and the Department of Employment and Labour Relations, prohibits discrimination and harassment, in employment and in the provision of services and accommodation, on the grounds of, inter alia, race, religion, religious creed, colour, national origin, ethnic origin and social origin. The *Human Rights Code* is primacy legislation, which supersedes any other provincial legislation that might contravene the content or intent of the Code.

### Article 2

290. In recognition of the significance of the day, the Minister of Employment and Labour Relations issued a press release, reminding the citizens of the province that March 21 was the International Day for the Elimination of Racial Discrimination, and encouraged everyone to do his or her part in eliminating racial discrimination not only on that day but on every day throughout the year.

291. During the 1992-1993 fiscal year, the Department of Social Services expended \$2.2 million, on a equal basis with the (federal) Department of Employment and Immigration, toward the costs of accommodating persons claiming refugee status upon arrival in this province.

292. Many non-governmental organizations (NGOs), which have as their primary goal the promotion of cross-cultural understanding, have received financial or technical support or

both from federal and provincial levels of government. A brief review of activities of selected NGOs is given below, under Article 7.

## Article 5

293. The *Human Rights Code* prohibits discrimination and harassment on specified grounds in employment, in the provision of services and in accommodation. A panel of adjudicators has been appointed to hold public hearings, when necessary, into alleged contraventions of the *Human Rights Code*. In 1992, the Human Rights Commission referred two complaints alleging discrimination on the basis of race to boards of inquiry. The complaints alleged that an Inuit Association excluded two people, who were previously members, on the basis of race. Hearings into these complaints had not begun at the end of the period covered. Moreover, investigations continued on two complaints, received in 1991, of discrimination in employment on the basis of race. A further three such complaints were received in 1992. Of the latter five complaints, two were withdrawn or dismissed, and the others are still under investigation. No complaints were filed alleging harassment on the basis of race.

294. The *Labour Standards Act* provides uniform minimum standards of conditions of employment for those employed in this province and whose employment falls under provincial jurisdiction. When necessary, Labour Standards Adjudicators hold public hearings into alleged contraventions of the Act. Any allegation of discrimination is referred to the Human Rights Commission. The *Labour Relations Act* gives employees the right to form and join a union.

295. The Newfoundland *Act Respecting the Franchise of Electors and the Election of Members to the House of Assembly* prescribes the conditions under which residents of the province may vote in provincial elections and stand for election to the House of Assembly. Participation is open to Canadian citizens or British subjects, 18 years of age or older, who have resided in this province for six months prior to the election and who reside in the electoral district on election day.

## Article 7

### Education and teaching

296. In 1992, the Department of Education formally adopted a multicultural education policy for introduction into the school system in Newfoundland and Labrador. The Department "believes that the spirit of multiculturalism should permeate the whole educational system -- education policies, curriculum, teaching methods, resource materials and evaluation procedures. It should also be reflected in attitudes and expectations of educators and students and in interactions with students, parents and the community". The policy enunciates the following principles for the educational system: i) to help all students and educators achieve their physical, intellectual, emotional, cultural, social and moral potential; ii) to guarantee the right of all people to be proud of their cultural background; iii) to promote respect for all cultural groups; iv) to ensure that the curriculum and instruction reflect the multicultural nature of Canada and highlight the contributions made by Canadians

from different cultural backgrounds; and v) to take initiatives to meet the changing needs of individuals in society.

297. The senior high school curriculum has for several years offered, as part of its program, social studies courses, which deal with discrimination, including racial discrimination. One course at the senior high school level has a compulsory unit on human rights and the elimination of racial discrimination. It is taken by over 2,000 students. Other history, geography and law courses at the senior, elementary and primary levels provide limited coverage of issues of human rights and racial discrimination.

298. To further cross-cultural understanding and integration, one school board produced a series of eight books, which were written and illustrated by students, now living in Newfoundland, who come from Cuba, Ghana, Hong Kong, Iceland, India, Kenya, Norway, Romania, Sri Lanka, Taiwan, and Uganda. The series, entitled "All My Friends", will be distributed to all primary school libraries and grade two classes in this province.

299. After four years of work, the Newfoundland and Labrador Human Rights Association has published "The Way We Are: A Cross-Cultural Education Reader". A compilation of articles, the publication constitutes a source book for students on multiculturalism as viewed from a uniquely Newfoundland perspective. Funded by the Canadian Department of Multiculturalism and Citizenship, the Reader will be distributed free of charge to every high school resource centre in the province.

### Culture

300. The Cultural Affairs Division of the Department of Tourism and Culture has provided technical resources and accommodations to groups that sponsor events, which have a multicultural base. Such groups, which rely primarily on Multiculturalism and Citizenship Canada for financial support, endeavour to create a local awareness of the rich history and culture that they bring to this province.

301. Several groups, including the Ethno-Cultural Association, the Association for New Canadians, the St. John's Native Friendship Centre and the Human Rights Association, sponsored activities to promote the March 21 Anti-Racism Campaign. These groups, plus the three levels of government, the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police and the Avalon Consolidated School Board undertook a variety of activities to further awareness of the day, including proclamations and press releases, radio and television appearances, film showings, booths in shopping malls, book launches, and information and entertainment in schools .

### Information

302. Beyond the general news stories that are available through the national and international wire services, the local media generally take a reactive stance to the publicizing of human rights and disseminating information on the purposes and principles of various human rights instruments. When proclamations and press releases are issued, or when a group publicizes an activity, event or function, the media generally report on it. The media

provide greater coverage when, for example, the Human Rights Commission holds a public hearing on an alleged act of discrimination.

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### **YUKON**

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303. The Government of the Yukon territory reports that, in the period covered by the present report, no new developments occurred, which would add to the information already contained in previous reports.

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### **NORTHWEST TERRITORIES**

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304. The Government of the Northwest Territories reports that, in the period covered by the present report, no new developments occurred, which would add to the information already contained in previous reports.







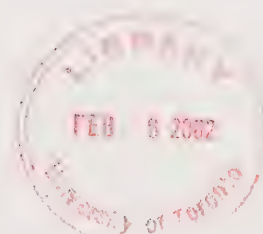
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# INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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Thirteenth and fourteenth reports of Canada

covering the period  
June 1993 to May 1997





## FOREWORD

The *International Convention on the Elimination of All Forms of Racial Discrimination* was adopted by the United Nations General Assembly on December 21, 1965. Canada ratified the Convention on October 14, 1970.

States Parties are required to report to the (UN) Committee on the Elimination of Racial Discrimination on measures they have taken to give effect to the Convention. The present combined Thirteenth and Fourteenth Reports were submitted to the UN on March 16, 2001. This combined report generally covers the period of June 1993 to May 1997. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Convention.

The report is published in Canada as part of the ongoing program of the Aboriginal Peoples' and Human Rights Programs Directorate of the Department of Canadian Heritage to increase awareness of human rights issues. Copies of the report, in both official languages, may be obtained free of charge from the Human Rights Program in Hull, or any regional office of the Department throughout Canada. This report is also available on the Human Rights Program website at: [www.pch.gc.ca/ddp-hrd/](http://www.pch.gc.ca/ddp-hrd/).

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\* In geographical order, from west to east.



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## INTRODUCTION

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1. This document constitutes the combined thirteenth and fourteenth reports submitted by Canada under the terms of the *International Convention on the Elimination of All Forms of Racial Discrimination*. The document covers, in the main, the period of June 1993 to May 1997. Occasional exceptions to the review period do occur and are identified.
2. The present report contains information on measures adopted by the Government of Canada and the provincial and territorial governments within the stated period. It takes into account comments made by members of the Committee on the Elimination of Racial Discrimination during their examination of previous reports, and their requests for additional information.
3. While the Convention does not specifically refer to indigenous people, this report continues the practice of covering aspects of the situation of the Aboriginal peoples of Canada that are relevant to the Convention. It must be emphasized, however, that the Aboriginal peoples of Canada are not considered to be members of an “ethnic group,” by either Aboriginal people themselves or the federal government. Emphasis is accorded the unique situation of Aboriginal peoples as Canada’s original inhabitants and affirms their special relationship with the State, based on unique entitlements.

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## PART I: GENERAL INFORMATION

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4. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories<sup>1</sup> (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for areas covered by the *International Convention on the Elimination of All Forms of Racial Discrimination* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.
5. Federal, provincial and territorial ministers responsible for human rights, and their officials, maintain ongoing liaison and information exchanges with respect to the implementation of international human rights instruments, including the Convention, through a mechanism known as the (federal-provincial-territorial) Continuing Committee of Officials on Human Rights.

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<sup>1</sup> A third territory, Nunavut, came into existence on April 1, 1999.

6. Canada prides itself on being a truly multicultural society, its cultural diversity being a demographic reality as well as a social reality that flows from the country's history and development. Immigration has played a significant role in the growth of the country, and in recent decades Canada has drawn large numbers of immigrants of virtually every ethnic origin, colour, and religious and cultural tradition.
7. Demographically speaking,<sup>2</sup> in 1996, Canadians of Aboriginal ancestry accounted for 2 percent of the population, while visible minorities made up 11 percent (3.2 million individuals) of adult Canadians nationally, and roughly 31 percent in the larger centres of Toronto and Vancouver.
8. Bearing witness to the change in immigration patterns of the past, about 42 percent of Canadians reported at least one origin other than British, French or Aboriginal. These percentages are higher in Toronto (69 percent) and Vancouver (66 percent). The 1996 Census counted almost 5 million immigrants living in Canada (17 percent of the total population). Canada's culturally diverse character and composition will continue to evolve into the 21<sup>st</sup> century, with the proportion of adult visible minorities projected to double by 2016. The Nexus Generation is made up of 7 million Canadians between the ages of 18 to 34. A significant proportion of this generation (20 percent) is composed of visible minorities. In this context, the Government's policy of multiculturalism is particularly important in addressing issues of race relations and cross-cultural understanding.
9. With the passage of the first *Employment Equity Act* in 1986 came the need for data on four designated groups: women, persons with disabilities, Aboriginal peoples, and members of visible minorities. Data on visible minorities derive from responses to Question 19 in the Census which requires respondents to mark or specify the group or groups to which they belong. Those who identify with groups other than White or Aboriginal are classified as "visible minorities." In some quarters, the progress made in the area of employment by some members of visible minorities raises the question of whether this group should be redefined. However, scientific studies continue to show that members of visible minorities still face discrimination in the marketplace even when they have the same market characteristics as non-minorities, in terms of level of education, place of birth, years of experience, age, and occupation.
10. Canadian constitutional and legislative guarantees that together provide comprehensive protection against racial discrimination including guarantees with respect to language, culture, religion, education and Aboriginal peoples are the following: the *Canadian Charter of Rights and Freedoms* and other parts of the *Constitution Act, 1982*, the *Canadian Bill of Rights*, the *Canadian Human Rights Act* and provincial and territorial human rights legislation, the *Employment Equity Act*, the *Official Languages Act*, and the *Canadian Multiculturalism Act* and provincial multiculturalism legislation.

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<sup>2</sup> Demographic data are taken from the 1996 Census of Canada.

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## PART II: JURISPRUDENCE OF NATIONAL APPLICATION

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### Article 4

11. In *R. v. Moyer*, [1994] 2 S.C.R. 899, the Supreme Court of Canada upheld a conviction pursuant to section 182(b) of the *Criminal Code* of offering indignities to human remains. The accused had desecrated identifiable gravestones in a Jewish cemetery. The issue was whether “offering indignities” requires physical contact with human remains and whether the section covers only indignities offered to human remains or indignities offered to monuments as well. Where monuments mark the presence of human remains, offering indignities to the monuments constitutes offering indignities to the human remains marked by the monuments. The Court concluded that the accused’s conduct *in toto* constituted acts of defilement and callous disrespect towards the remains of the individuals buried under the monuments.

12. In *R. v. Safadi* (1993), 108 Nfld. & P.E.I.R. 66 (P.E.I. S.C.T.D.), *aff’d* (1994) 121 Nfld. & P.E.I.R. 260 (P.E.I. S.C.A.D.), the accused was convicted of the wilful promotion of hatred against Jews under subsection 319(2) of the *Criminal Code*.

#### Canadian Human Rights Act

13. The *Canadian Human Rights Act* continues to be used to prevent the dissemination of hate messages by telephone. The case of *Canadian Human Rights Commission v. The Heritage Front and Droege*, [1994] 1 F.C. 203, was launched in 1993, when the Commission obtained an injunction from the Federal Court to prevent the spread of telephonic hate messages against visible minorities and Aboriginal peoples by the respondents. In 1994, in the case of *Canadian Human Rights Commission v. The Heritage Front and Droege*, [1994] 3 F.C. 710, the respondents were found guilty of contempt of court for disobeying the injunction issued by the Federal Court in the earlier case. The Heritage Front was fined \$5,000 and the individual respondents were sentenced to terms of imprisonment ranging from one to three months. In May 1997, the Heritage Front announced the closure of its telephone hotline.

14. In the case of *Canadian Human Rights Commission v. National Knights Network of the Ku Klux Klan* (unreported, August 19, 1993), the Commission obtained a consent order from a Human Rights Tribunal stopping the Ku Klux Klan from communicating hate messages. In the case of *Khaki, Elterman, Gill and Canadian Human Rights Commission v. Canadian Liberty Net* (1993), 22 C.H.R.R. D/347, a Human Rights Tribunal found that the respondents had violated the law by promulgating telephonic messages inciting hatred against visible minorities and members of the Jewish faith. The respondents were ordered to cease and desist.

15. In 1992, prior to the Tribunal’s decision, the Canadian Human Rights Commission had obtained an interlocutory injunction from the Federal Court, Trial Division, preventing the respondents from playing telephonic messages until the Tribunal rendered a decision: *Canada (Human Rights Commission) v. Canadian Liberty Net (No.1)*, [1992] 3 F.C. 155; (1992), 26

C.H.R.R. D/194. Later in 1992, the Commission brought proceedings in the Federal Court, Trial Division, against the respondents for playing further telephonic messages in violation of the Federal Court injunction. The respondents were found guilty of contempt of court for disobeying the injunction: [1992] 3 F.C. 504. The individual respondent was sentenced to two months' imprisonment and a \$2,500 fine. The organization, Canadian Liberty Net, was fined \$5,000.

16. The respondents sought in separate proceedings to appeal these decisions of the Federal Court, Trial Division. In the first appeal to the Federal Court of Appeal, the respondents claimed that the Federal Court, Trial Division, had no authority to issue an interlocutory injunction. The Federal Court of Appeal agreed and allowed the appeal: *Canada (Human Rights Commission) v. Canadian Liberty Net (No. 2)*, [1996] 1 F.C. 804; (1996), 26 C.H.R.R. D/242. In the second appeal, the respondents argued that if the Federal Court, Trial Division, had no authority to issue the injunction, they could not be found guilty of contempt of court for violating the injunction. The Federal Court of Appeal rejected this appeal, holding that a court order must be obeyed until it is reversed or stayed by the Court: *Canada (Human Rights Commission) v. Canadian Liberty Net (No. 3)*, [1996] 1 F.C. 787; (1996), 26 C.H.R.R. D/260.

17. Both of the Federal Court of Appeal decisions were appealed to the Supreme Court of Canada. In March 1998, the Supreme Court of Canada ruled that the Federal Court can issue interlocutory injunctions under the *Canadian Human Rights Act* and that the respondents had been properly convicted of contempt of court: [1998] S.C.R. 626.

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### PART III: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

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#### Article 2

##### Aboriginal Programs and Issues

18. The Government of Canada is committed to building a new partnership with Aboriginal peoples. The resolution of outstanding land claims is a priority. Comprehensive land claims negotiations based on traditional use and occupancy of lands are continuing, often in conjunction with negotiations of self-government arrangements. Since May 1993, the Sahtu Dene and Métis Comprehensive Land Claims Agreement in the Northwest Territories has been signed and brought into effect. Four Yukon First Nations final agreements and separate self-government agreements have been signed, and on February 14, 1995, legislation for the land claims settlement and self-government took effect. Negotiations are underway with other Yukon First Nations. Legislation has been enacted to bring into effect the land claims settlement in the eastern Arctic along with the *Nunavut Act*, which is the legal framework to establish Nunavut in 1999, a new territory where the Inuit form a majority of the population.

19. In British Columbia, the British Columbia Treaty Commission (BCTC) began operation in December 1993. BCTC is a tripartite, arm's-length body which facilitates and monitors treaty negotiations and allocates negotiation funding to Aboriginal groups in the province. To date, over

43 statements of intent to negotiate, representing over two-thirds of the First Nations, have been accepted. In 1996, an agreement in principle was reached between the Nisga'a people, Canada and British Columbia for the first modern-day treaty in British Columbia.

20. Specific claims settlements, which deal with breaches of lawful obligations under treaty or the *Indian Act*, are being reached more quickly than before. For example, 61 specific and treaty land claims, representing 417,000 hectares of land and \$322.9 million, were negotiated in the three-and-a-half years up to April 1997.

21. The Royal Commission on Aboriginal Peoples, established in 1991, has completed an extensive research and public consultation process by visiting communities across Canada and hearing well over 1,600 Aboriginal intervenors and over 400 non-Aboriginal intervenors. The Commission's report, with 440 recommendations on a broad range of issues affecting Aboriginal people and Canadian society, was tabled in Parliament in November 1996. The government is currently reviewing the Royal Commission's recommendations and will respond in due course.

22. Since the events at Kanesatake (Oka) in 1990, the federal government has been making efforts to settle the grievances of the Kanesatake Mohawks, taking into account the interests of the residents of Oka and Kanesatake. In June 1994, the Mohawk-Canada Round Table was established to find practical solutions to certain issues of concern to Kanesatake and two other Mohawk communities.

23. The federal government recognizes that Aboriginal peoples are over-represented in the Canadian criminal justice system as victims and offenders. Through the Aboriginal Justice Initiative, the government has been gathering information to develop policies with the goal of increasing participation by Aboriginal communities in local administration of justice, and of reducing the representation of Aboriginal peoples in the justice system over the long term. The Aboriginal Justice Initiative has been successful in providing funding for pilot projects in Aboriginal and urban communities, research and knowledge advancement, as well as educational and cross-cultural activities, such as public legal education and conferences.

#### Inherent Right to Self-Government

24. The Government of Canada is acting on the premise that the inherent right of self-government is an existing Aboriginal right within section 35 of the *Constitution Act, 1982*. In August 1995, the Government made public the policy approach which will guide federal representatives. Certain rights set out in negotiated self-government agreements could have protection as treaty rights under section 35 of the *Constitution Act, 1982*. Negotiations of arrangements to give effect to the inherent right of Aboriginal self-government are ongoing.

#### Diversity and the Justice System

25. In 1992, the Federal-Provincial-Territorial Working Group on Multicultural and Race Relations in the Justice System was established to examine relevant issues and make

recommendations as to how the justice system can provide better access and fair treatment for ethnocultural, racial and religious minorities in Canada.

26. In May 1996, Ministers Responsible for Justice requested that all justice proposals brought before them routinely incorporate considerations of the potential impact of initiatives on diverse communities in Canada. Consequently, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice was created. Its mandate encompasses that of the Working Group on Multicultural and Race Relations. The scope of the work was expanded to consider, as well, the concerns of individuals who belong to one or more groups that frequently experience disadvantage in their dealings with the justice system. Consequently, in addition to ethnocultural, racial and religious minorities, the Working Group is concerned with the needs of women, Aboriginal peoples, persons with disabilities, children and youth, seniors, refugees, recent immigrants, the poor, gays, lesbians and bisexual persons, transgendered persons, and persons with low levels of literacy. During the reporting period, the Working Group provided diversity group analysis for initiatives and issues considered at the federal-provincial-territorial meetings of senior Justice officials. To aid in the analysis process, work was begun on designing a tool to assess the possible impact of policy proposals.

27. The federal Department of Justice provided empirical research support for the Federal-Provincial-Territorial Working Group on Multicultural and Race Relations in the Justice System, and its successor, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice. A number of policy documents and research reports were produced on a variety of topics, including the legal needs of ethnocultural women, and complaint and redress mechanisms relating to racial discrimination. The Department of Justice is presently carrying out research in the areas of hate-motivated crimes and hate propaganda.

28. The Department of Justice's Grants and Contributions Fund is designed to support the Department in promoting a more accessible, equitable, and efficient justice system that is sensitive to the diverse needs of the public. To this end, funding applicants are encouraged to demonstrate sensitivity to diversity and gender equality issues in order to prevent unequal impact on women and men, and on members of diverse communities.

29. Under this funding program the Department of Justice has:

- continued to contribute financially to the National Judicial Institute (NJI) to support the continuing education of judges on issues arising from the diversity of Canadian society. The Canadian Judicial Council gave the Institute the task of developing, for judges, a detailed and advanced social-context education program that includes issues relating to gender equality, visible minorities and Aboriginal peoples.
- provided funding to the Canadian Bar Association (CBA) to support the work of the CBA Working Group on Racial Equality. The Working Group was established to conduct a comprehensive examination of the legal profession and develop recommendations for a more aware and responsive legal profession. The group focussed on issues relating to

race, colour, national and ethnic origin, and the intersection of race with gender, age, religion, sexual orientation, disability and other forms of discrimination.

- provided funding in support of the Canadian Association of Black Lawyers' annual conferences. These conferences were aimed at creating a forum to link Black lawyers nationally, enhancing the quality of legal services offered to communities, broadening the representation and composition of the judiciary to be more reflective of the Canadian society, and increasing access to justice.

### Court Challenges Program

30. The Court Challenges Program is designed to enhance access to justice and to ensure that Charter rights receive their full measure of protection. It does so by providing funding for court challenges brought by individuals and groups against government legislation under the equality rights guarantees and official languages provisions of the *Canadian Charter of Rights and Freedoms*. The Program is administered by an independent non-profit organization consisting of representatives of equality-seeking groups representing disadvantaged communities and individuals, organizations representing minority official language communities, and law faculties and bar associations. Since its inception, the Program has provided financial support for several hundred court challenges.

### Canadian Forces Policy on Racist Conduct

31. As a result of allegations of racism which emanated from a military enquiry into the conduct of the Airborne Regiment in Somalia in 1993, the Canadian Forces promptly developed and promulgated a policy order for dealing with racist conduct by military members. The order reaffirms the principle of respect for the inherent dignity of individuals, without regard to race, national or ethnic origin, or colour, and provides for administrative and disciplinary measures in cases of substantiated racist conduct. Racist conduct includes, but is not limited to: behaviour that promotes, encourages, or constitutes discrimination or harassment on the basis of race, ethnicity or colour; and participation or membership in groups or organizations that promote similar forms of discrimination or harassment. Routine procedures for explaining Canadian Forces policy in this area to prospective recruits were also put in place in 1993.

32. As part of a general effort to prevent the mistreatment of personnel in the Canadian Forces, a comprehensive harassment education and training program, which contains modules on racism, has also been developed and recently implemented. All members of the Canadian Forces will be required to implement this program, with completion expected by fall 1998. This is considered an interim program which in the long term will be incorporated into all Canadian Forces occupational training.

33. In 1995, the *Employment Equity Act* was amended to, among other things, make the Canadian Forces subject to its provisions. While not yet in force pending creation of regulations particularizing the Act to the unique conditions of the Canadian Forces, work has been undertaken to verify that selection of personnel for recruitment, training and promotion is based

on ability and the philosophy of the "best person for the job." In 1996, the Defence Diversity Council was created as the focal point for diversity within the Canadian Forces, and in 1997, a preliminary workforce analysis was carried out to determine the composition of the Canadian Forces in terms of three of the four designated groups (women, Aboriginal peoples, and visible minorities). The identification of barriers to both the numbers of members of these groups and their distribution within the rank structure is pivotal to determine if barriers exist and to decide on subsequent action.

### Treasury Board

34. In 1992, the Government of Canada acted to underscore employment equity in the Public Service in terms of both its legal standing and its openness to public scrutiny, by adding employment equity provisions to the *Financial Administration Act*. These provisions give Treasury Board, as employer of the Public Service, the power to designate groups found to be at a disadvantage in employment, and the responsibility to eliminate policy and attitudinal barriers hampering such groups. Designated groups are identified as Aboriginal peoples, members of visible minorities, persons with disabilities, and women. Treasury Board also has responsibility to take positive measures to ensure that the representation of members of designated groups within the Public Service is proportional to the representation of those groups within the workforce, or within that section of the workforce from which the Public Service recruits and promotes employees. The Treasury Board Secretariat has established numerical goals for departments and agencies of the Public Service, and these institutions prepare plans for eliminating under-representation of designated groups in their workforces. Each year the President of the Treasury Board prepares a report to Parliament on the state of employment equity in the Public Service.

35. Between 1987 and 1997, the representation of Aboriginal peoples and of visible minorities in the Public Service evolved as follows:

	1987	1991	1994	1995	1996	1997
Aboriginal Peoples	3,809 (1.8%)	4,298 (2.0%)	4,492 (2.0%)	4,783 (2.2%)	4,665 (2.3%)	4,551 (2.4%)
Visible Minorities	5,719 (2.7%)	7,810 (3.6%)	8,566 (3.8%)	8,914 (4.1%)	8,981 (4.5%)	8,690 (4.7%)

36. The Special Measures Initiatives Program (SMIP) was established for a four-year period, from 1994-95 to 1997-98. The SMIP provides departments and agencies with financial, technical or other support to help them attain their objectives in terms of hiring, promotion, retention, training and development of members of designated groups. The Program's goals are as follows: to support departments and agencies in improving the situation of the members of the four designated groups; to incorporate diversity principles into their corporate culture; and to try out promising new approaches that take account of the current context in the federal Public Service.

37. The Program includes a Special Measures Innovation Fund (SMIF), which is cost-shared with individual departments and designed to find new creative departmental initiatives for the four designated groups. On average, about \$6 million is allocated annually to the SMIF.

38. In March 1997, the Treasury Board Secretariat began an extensive evaluation of the SMIP. The evaluation was needed to help the government decide the Program's future. The evaluation will, among other things, seek to clarify how responsibility for the establishment and performance of employment equity initiatives is shared between the departments and the SMIP. The evaluation will also look at the progress that has been made in changing behaviour, attitudes and relationships among employees, and between managers and employees in the federal Public Service in order to promote diversity management. Finally, the administration and management of the Program will be reviewed in terms of efficiency and effectiveness, and the viability and relevance of the SMIP will be evaluated.

39. Treasury Board has developed a video to inform Public Service employees about issues related to employment equity. *Exploding the Myths* debunks many of the myths and uncertainty surrounding the Employment Equity Program and presents facts on what employment equity really means. The video touches on the philosophy of employment equity goals and strategies for achieving them, while the accompanying guide provides valuable background material and points for discussion.

### Employment Equity

40. The new *Employment Equity Act* (EEA) received Royal Assent on December 15, 1995. The Act and its regulations came into force on October 24, 1996. The purpose of the Act is to achieve equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. Employers are required to correct the conditions of disadvantage experienced by members of visible minorities, Aboriginal peoples, women, and persons with disabilities.

41. The new Act expands coverage from the federally-regulated private sector to the federal Public Service (federal departments and agencies and Crown corporations) and gives the Canadian Human Rights Commission (CHRC) the mandate to enforce employer obligations. These obligations were clarified, without creating onerous new ones for employers. The Act requires employers to:

- collect data and conduct workforce analysis in order to determine under-representation of designated groups;
- conduct a review of their employment systems, policies and practices to identify barriers to the employment of these groups;
- develop an employment equity plan to indicate the steps, including positive measures, that will be taken to remove those employment barriers;
- communicate to their employees information on employment equity, including the accommodation of special needs;

- collaborate with bargaining agents or employee representatives on employment equity issues.

42. The Act also makes it clear that there are no obligations to implement initiatives that would constitute an undue hardship for an employer, to create new positions, to establish quotas, or to hire and promote unqualified employees.

43. The legislation empowers the Canadian Human Rights Commission to conduct audits of all employers to verify compliance with the employer obligations set out in the Act. Although it permits the Commission to issue directives and establish Tribunals to decide contentious cases, it is also explicit in stating that consensus is the preferred approach. The new Act provides for Employment Equity Review Tribunals, when required, at the request of the employer or the Commission. Tribunal decisions are final and binding.

44. The Commission is required to report on its audit activities and to assess the effectiveness of employment equity under the new Act. This will be part of the Commission's Annual Report under the *Canadian Human Rights Act*.

45. The new *Employment Equity Act* affirms the role of the Minister of Labour to administer the legislation in the federally-regulated private sector. The Minister of Labour also provides private-sector employers with detailed data on the availability of the four designated groups in the Canadian labour market. The Labour Program has developed and distributed Ministerial Guidelines intended to assist employers in implementing their obligations under the Act. However, the Treasury Board of Canada and the Public Service Commission are responsible for implementing employment equity in the Public Service.

46. The Minister of Labour is also responsible for administering the private-sector reporting requirements in the Act. On June 1 of each year, about 350 employers subject to the Act file with the Minister of Labour a report on their progress in implementing employment equity in the previous year. Each year, the Minister of Labour tables a consolidated Employment Equity Annual Report in Parliament that contains an analysis of these reports. Failure to file a report as required by the Act can result in an administrative fine imposed by the Minister.

47. Public-sector employment equity reports are tabled in Parliament by the President of the Treasury Board.

48. The Federal Contractors Program (FCP) was created by a Treasury Board decision in October 1986. Under this program, provincially regulated employers with 100 or more employees who bid for and obtain federal government contracts of \$200,000 or more, are required to implement an employment equity program in accordance with specified criteria. With the passage of the *Employment Equity Act* (1995), the FCP remains in force. Although the Program is not based on legislation, the new Act requires the Minister to ensure that federal contractors implement employment equity in a manner equivalent to requirements under the Act.

49. Federal contractors are not required to file annual reports but are subject to periodic compliance reviews. Contractors who fail to meet the requirements of the Federal Contractors Program may lose the right to bid on further federal government contracts.

#### Department of Indian Affairs and Northern Development

50. The mandate of the Aboriginal Workforce Participation Initiative (AWPI) was renewed and enhanced in 1996. AWPI's goal is to educate, inform and encourage employers to undertake Aboriginal employment strategies. The Department of Indian Affairs and Northern Development oversees the AWPI external component geared to employers outside the federal Public Service and has been involved in over 75 initiatives, including the start of a consultation process to develop the *AWPI Employer Toolkit*. The Treasury Board Secretariat looks after AWPI's internal component, aimed at the federal Public Services, and has promoted several projects with federal departments and agencies.

#### Department of Foreign Affairs and International Trade

51. As part of its three-year Employment Equity Plan (1994-97), the Department of Foreign Affairs and International Trade is seeking to increase the representation of visible minorities among departmental employees to 4 percent by 1996. Representation increased slightly in 1995 from a 3 percent level to 3.2 percent. The relatively slow rate of increase can be attributed to the fact that recruitment activity throughout the federal Public Service is currently at a standstill. Of the 121 new foreign service recruits since 1993, an average of 14 percent were from visible minority groups.

52. Although the overall number of Aboriginal employees in the Department remains the same as in 1993, there has been an increase in the number of individuals of Aboriginal ancestry in the Foreign Service category as a result of the Department's Aboriginal Internship Program. Started in 1991, the intent of the Program is to recruit qualified Aboriginal people who have successfully completed post-secondary studies and who exhibit the necessary requirements to meet the challenges and opportunities for career advancement within the Foreign Service. The Department has recruited 8 Aboriginal Foreign Service Officers since the inception of the Program. To date, there are a total of 12 Aboriginal Foreign Service Officers within the Department. The Department continues to recruit Foreign Service candidates by advertising in a variety of Aboriginal newspapers and ethnic community publications.

53. The Department continues to recognize the importance of working in a culturally diverse environment. As such, it is actively presenting all employees with the opportunity to attend diversity training workshops, designed to inform participants of the variety of issues related to working with others from different cultural backgrounds. These sessions provide an opportunity to share views and perceptions on dealing with one another while respecting the cultural values of everyone.

### Canadian Multiculturalism Act

54. The *Canadian Multiculturalism Act* (1988) provides a policy and framework for federal institutions to promote and accommodate cultural diversity. Annual reports on the implementation of the Act by federal departments and agencies are required to be submitted to Parliament. Those prepared for fiscal years 1995-96 and 1996-97 are provided as an appendix to this report (Appendix A).

### Citizenship and Immigration

55. Canada supports the accommodation of newcomers, their diverse backgrounds and cultures by encouraging a process of mutual adjustment by both newcomers and society. Integration of newcomers into Canadian society is a two-way process; newcomers are expected to understand and respect basic Canadian values, and society is expected to understand and respect the cultural differences newcomers bring to Canada. Rather than expecting newcomers to abandon their own cultural heritage, the emphasis is on finding ways to integrate differences in a pluralistic society.

56. Citizenship and Immigration Canada's settlement programs and services assist immigrants in becoming participating and contributing members of Canadian society and promote an acceptance of immigrants by Canadians. While helping newcomers adapt and learn about their rights, freedoms and responsibilities and the laws that protect them from racial discrimination, settlement programs also sensitize Canadians to different cultures and how diversity strengthens community life.

57. The Host Program matches newcomers with volunteers who help them learn about available services and how to use them, practise their language skills, develop contacts in their employment field, and participate in community activities. In return, Host volunteers learn about other cultures and diversity.

58. The Language Instruction for Newcomers to Canada (LINC) program provides basic training to adult immigrants in one of Canada's official languages. Curricula, which are developed and used by the organizations delivering the language training, include specific modules on newcomers' rights, freedoms and responsibilities and the laws that protect them from discrimination.

59. The Immigrant Settlement and Adaptation Program (ISAP) provides funds for the delivery of services to newcomers, including reception, referral to community resources, community information/orientation, interpretation and translation, paraprofessional and employment-related services. ISAP-supported agencies are also provided with funding for staff training, some of which would pertain to cultural sensitivities.

## Article 4

### Amendments to the *Criminal Code*

60. On June 15, 1995, the Government of Canada amended the *Criminal Code* in relation to sentencing. Section 718.2 is in part a general statement of the purpose and principles of sentencing and has been included in the *Criminal Code* to provide guidance to the courts. The statement of purpose and principles of sentencing affirms that aggravating and mitigating circumstances should be taken into consideration. The provision specifies “evidence that the offence was motivated by bias, prejudice or hate based on the race, nationality, colour, religion, sex, age, mental or physical disability or sexual orientation of the victim” shall be deemed to be an aggravating circumstance.

61. Section 718.2 states, “A court that imposes a sentence shall also take into consideration the following principles:

- (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing:
  - (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor, or
  - (ii) evidence that the offender, in committing the offence, abused the offender's spouse or child, or,
  - (iii) evidence that the offender, committing the offence, abused a position of trust or authority in relation to the victim shall be deemed to be aggravating circumstances;
- (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
- (c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
- (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
- (e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.”

62. Concerns raised by the Committee for the Elimination of Racial Discrimination with respect to the existence of racist organizations are duly noted. The government has taken a

number of measures to address issues related to hate crimes, hate propaganda and hate groups, which are reported under paragraph 89 to 100.

## Article 5

### Canadian Human Rights Act

63. In April 1997, the government introduced a bill in Parliament to amend the *Canadian Human Rights Act*. The bill included amendments to improve existing protections against hate messages by telephone: the addition of a \$10,000 fine for contraventions, and provision for individuals who have been named in hate messages to seek compensation as a remedy. Other changes to improve the effectiveness of the law included: the creation of a new Canadian Human Rights Tribunal with full-time members for the first time; the strengthening of the law to deal with retaliation against persons who have filed human rights complaints; and increased compensation for victims of discrimination. This bill was not passed before the June 1997 federal election, but was reintroduced in Parliament in the fall of 1997, and passed in 1998.

### Culture

64. In the area of broadcasting, issues relating to racial discrimination were included in the review of the *Broadcasting Act*, which was updated and became the new *Broadcasting Act* in 1991. The Canadian Radio-television and Telecommunications Commission regulates the issues of portrayal, employment equity, and ethnic and Native (Aboriginal) broadcasting. Neither the issues nor the Government's position on such issues have changed in the period under review.

65. The Department of Canadian Heritage promotes northern Aboriginal broadcasting through its financial support for Television Northern Canada (TVNC). TVNC is a television network in Canada's Far North that delivers Aboriginal, current affairs and educational programming by satellite to an audience of 100,000 people spread across the Yukon, the Northwest Territories, Northern Quebec and Labrador. Broadcast unscrambled via the Anik E1 satellite, TVNC carries 100 hours of programming per week in 11 different Aboriginal languages and dialects plus English. Much of the programming is produced by Aboriginal communications organizations funded by the Northern Native Broadcast Access Program of the Department of Canadian Heritage. Programming is also provided by the Canadian Broadcasting Corporation and northern educational institutions.

## Article 6

### Canadian Human Rights Commission

66. In August 1992, a Human Rights Tribunal ruled in *Grover v. National Research Council* (1992), 18 C.H.R.R. D/1, that the Council had discriminated against one of its scientists because of his race, colour and national or ethnic origin. It found that the Council's behaviour towards the complainant carried "the subtle scent of discrimination" and ordered that he be appointed to a senior position and compensated for past wrongs.

67. An expansive approach to remedial awards for lost wages was exercised by the Federal Court in the case of *Pitawanakwat v. Canada (Secretary of State)* (1992), 19 C.H.R.R. D/110. The complainant, of Ojibway ancestry, alleged that she was treated differently, harassed, and eventually terminated by the Department of the Secretary of State because of her race. A 1992 tribunal decision had held that the Department's behaviour was motivated in part by racial discrimination, but that the complainant had also contributed to the situation. Consequently, no award was made for hurt feelings and she received two years lost wages. On appeal, the Federal Court released a ruling in April 1993 that clarifies a number of remedial principles for human rights cases. The purpose of a human rights remedy is to make the victim whole, and what is required of a Tribunal is that it be able to explain its award in relation to the facts of each case. With no predetermined ceiling on the periods for awarding lost wages, and the complainant's conduct irrelevant in determining an award, the Court held that the Tribunal committed errors of law by limiting the complainant's award to twenty-four months' salary without an analysis, by failing to order that she be reinstated to her former place of work (or another place satisfactory to her), and by not ordering any compensation for hurt feelings.

68. In November 1993, the Federal Court upheld the jurisdiction of the Canadian Human Rights Commission to deal with potentially discriminatory actions taken by immigration officers who issue visas in *Canada (Secretary of State for External Affairs) v. Menghani*, [1994] 2 F.C. 102 (F.C.T.D.). The *Menghani* case confirms that the principle of equitable treatment is not suspended in dealing with immigration matters. Canadian jurisprudence in this area is clear: even if there is no intent to treat someone unfairly, when a manifestly discriminatory effect results, that in itself constitutes the basis for a finding of discrimination.

69. From 1978 to 1985, the only non-White employee in CP Rail's division in Vancouver and Port Coquitlam complained to management of the racist climate and name-calling fomented by his foreman. The employer did not stop the harassment, did not conduct an impartial investigation, and tried to solve the problem by getting rid of him. In June 1993, a Human Rights Tribunal found CP Rail liable for the discrimination.

70. A number of significant tribunal decisions were handed down in 1994 on the issue of racial and ethnic harassment. In the case of *Rodovanovic v. VIA Rail* (unreported, but see <http://www.chrt-tcdp.gc.ca/decisions/docs/rodovanovic-e.htm>), the complainant was repeatedly subjected to discriminatory treatment, insults and jostling by a colleague because of his national origin. Because the employer took no necessary steps to prevent these actions or to mitigate their effects, VIA Rail was ordered by the Tribunal to compensate the complainant for pain and suffering, and to send him a letter of apology.

71. Employer liability was extended even further in a second decision in 1994. In *Canada (Attorney General) v. Uzoaba* (1994), 26 C.H.R.R. D/361, the complainant was subjected to racially harassing telephone calls while on the job, and assaulted by an inmate for racial reasons. Negative performance appraisals by the employer were due, in part, to the comments of inmates deemed to hold racist views. The employer offered the complainant only inappropriate positions and gave him bad references. No effort was made to find him a suitable position in the federal Public Service. The Tribunal found that Correctional Services condoned the behaviour of the

inmates, and therefore ordered Correctional Services to rehire the complainant and to issue him a letter of apology, provide him with appropriate training, a promotion, and pay him damages for hurt feelings.

72. In *Swan v. Canadian Armed Forces* (1994), 25 C.H.R.R. D/312, a First Nations individual from the Lake Manitoba Reserve serving as a military policeman was subjected to racial slurs and jokes while on the job. He was also unfairly denied leave, because of his race to attend a family funeral. In October 1994, a Tribunal ordered the Armed Forces to improve their response to complaints of harassment and amend their policy so that investigations are conducted, wherever possible, by personnel outside the complainant's chain of command. In awarding the complainant damages and ordering that he be provided with a written apology, the Tribunal observed that, for a harassment policy to work, it must be "scrupulously enforced."

73. Circumstantial evidence was considered sufficient in the 1995 consideration by a Human Rights Tribunal of *Chander v. Department of Health and Welfare* (1995), 29 C.H.R.R. D/272. The complainants were employed as research scientists with the Department when a competition was announced. Both employees were issued letters of rejection dated the same day they underwent interviews for the positions. The Tribunal found the interviews to be "subjective and perfunctory," and conducted unprofessionally. There was also evidence that the employer had decided not to hire the complainants before the interviews were conducted. The Department's explanations were inconsistent with the evidence. Moreover, the Tribunal found that both complainants were qualified.

74. The Canadian Human Rights Commission engaged Dr. John Samuel, an Ottawa sociologist, to conduct a study aimed at identifying barriers to the hiring and promoting of minorities within the federal Public Service. His report, *Visible Minorities and the Public Service of Canada*, was released in February 1997, and noted the government's inferior record in hiring and retaining visible minorities. It also found that visible minority employees see the Public Service climate as unresponsive and hostile, and that some aspects of the staffing system effectively prevent visible minority candidates from being hired and promoted. Participants in the study emphasized that commitment from the highest levels is needed to effect change, although they felt that managers, from the top on down, are not fully committed to increasing visible minority representation.

75. The findings of the study were borne out in the Human Rights Tribunal decision of *National Capital Alliance on Race Relations (NCARR) v. Health Canada* (1997), 28 C.H.R.R. D/137. NCARR had alleged that the very low proportion of visible minorities in senior management at Health Canada (formerly the Department of Health and Welfare) was evidence of systemic discrimination. The Tribunal upheld NCARR's complaint. "The essential element of systemic discrimination is that it results from the unintended consequences of established employment systems and practices," the Tribunal said in its ruling. "Its effect is to block employment opportunities and benefits from members of certain groups." For example, it found that visible minorities were largely excluded from developmental assignments. The Tribunal ordered remedial action in directing Health Canada to meet specific targets for the hiring and promotion of visible minorities to executive positions. It also ordered mandatory diversity and

employment equity training for all senior managers and directed the Department to tailor its recruitment to attract visible minority candidates.

## **Article 7**

### The March 21 Anti-Racism Campaign

76. The annual March 21 Campaign, marking the International Day for the Elimination of Racial Discrimination, underscores Canada's unique approach to combatting racism and fostering values of respect, equality and diversity, putting the federal government at the forefront of efforts to eliminate racism. Initiated in 1989, the Campaign has evolved into a multi-faceted, public education initiative that utilizes social marketing to maximize its outreach, particularly to youth between the ages of 12 and 18, and to demonstrate the importance with which Canadian corporations view this critical social issue.

77. An innovative aspect of the 1995 campaign was the development of advertising for movie theatres across the country. Powerful advertisements on the theme of racism were screened over a four-week period beginning March 17, reaching approximately 1.5 million Canadians. This advertising has received international attention.

78. In addition, posters on the theme "Understanding is the Key to Eliminating Racism—Put Yourself in the Other Person's Shoes" were mounted in transit shelters, subways and shopping malls across the country.

79. Also, March 21 information and resource kits, which are distributed to every school across Canada as well as to a broad range of community organizations, have facilitated the holding of regular events aimed at eliminating racism in schools, communities and places of work. During 1988-89, more than 230 events marking March 21 took place in cities and towns in all regions of the country.

80. The Stop Racism National Video Competition was launched in 1996-97 and invites youth to form teams of three to five persons with a view to producing a short video expressing their ideas on how to eliminate racism. Each year, ten national winning teams are awarded prizes and brought at government expense to participate in the Stop Racism Concert and Awards program that is broadcast nationally, usually on March 21.

81. Planning has begun on a new initiative entitled "Racism. Stop It! Action 2000." Building on the increasing success of the annual March 21 Campaign, this initiative will seek to mobilize youth, artists and leaders around the world in the struggle against racism. Conceived as a special millennium youth project, "Action 2000" will invite Canadian youth between the ages of 15 and 24 to take up one of 21 predetermined activities as part of the Stop Racism Tour Canada Youth Challenge.

### Mathieu Da Costa Awards Program

82. The Mathieu Da Costa Awards Program was announced by the Minister of Canadian Heritage and the Secretary of State (Multiculturalism) (Status of Women) in February 1996 to mark the Parliament of Canada's official designation of February as Black History Month.

83. The program commemorates Mathieu Da Costa, the first recorded Black person in Canada, who worked as an interpreter between the early French explorers and the Mi'kmaq people. Open to elementary and secondary school students between the ages of 9 and 19, the Awards Program encourages youth to explore the contributions of individuals of ethnic and racial minority background to the building of Canadian society by submitting essays, short stories or art exemplifying the qualities of mutual respect and understanding.

84. Award winners and a parent/chaperone are brought to the National Capital Region to participate in an awards ceremony and to receive their prizes. A weekend program is undertaken to familiarize the winners with the nation's capital and to afford them opportunities to further discover the role diversity has played in shaping Canadian history. All participants in the Awards Program receive certificates of merit.

### Metropolis Project

85. The Metropolis Project is a major international interdisciplinary policy-research initiative designed to forge robust knowledge partnerships among researchers, policy-makers and communities to ensure that public policy in the area of diversity is forged on the basis of sound academic research.

86. This project has fostered cross-government dialogue on a vast array of issues emerging from an increasingly diverse population. The result has been a dramatic increase in nationally and internationally comparative research on best practices and issues arising from diversity. This, in turn, has led to an increasing awareness among all three stakeholder communities (policy-makers, researchers, and community organizations) that to revise, create and implement the best public policies requires partnership that extends to each level of the research endeavour.

### Citizenship Education Research Network (CERN)

87. Building on the long Canadian experience of creatively managing the tensions arising from diversity, the Citizenship Education Research Network has grasped the urgent need to ensure that this creativity is passed along to the next generation of Canadians. As a result, a large number of researchers, policy-makers, think-tanks and community organizations came together to create CERN. They collaborated to create a comprehensive and flexible research program designed to ensure that the development of citizenship education across Canada reflects the diversity of Canadians and their experiences. The success of this network can be measured by its connection with a recent initiative of the Council of Ministers of Education which is currently preparing a pan-Canadian citizenship education framework.

### Renewal of Canada's Multiculturalism Program

88. In 1996, the Department of Canadian Heritage completed a comprehensive review of its Multiculturalism Program to ensure that its activities keep pace with changes in Canadian society. The renewed program, launched in the spring of 1997, emphasizes a social development approach to engaging ethnic and racial minority communities in public policy discussion and the governance of Canadian institutions. The new program pursues five main objectives which include increasing public understanding of racism, combatting hate and bias-motivated activity, and assisting public institutions to become more inclusive and free of systemic racism and discrimination. Financial and technical support is available for projects which address the Program's objectives and which involve the active participation of minority communities.

### Coordination of Federal Government Action on Hate Crime and Biased Activity

89. In 1996-97, the federal government, through the Department of Canadian Heritage (Multiculturalism Program), the Solicitor General and the Department of Justice, established an interdepartmental process to bring various players together to coordinate federal action on hate crime and bias activity.

90. The Multicultural Program of Canadian Heritage also developed an inventory of the various responsibilities and initiatives of federal departments and agencies with respect to hate crime and bias activity. It can be used for coordinating federal action on this issue.

91. In 1997, the Multiculturalism Program focussed on hate crime and bias-motivated activity on the annual International Day for the Elimination of Racial Discrimination on March 21. This program targeted a large audience of youth aged 13 to 18 years through an information guide entitled "Racism. Stop It," issued for use by teachers and other resource people. It also reached the Canadian public through the mass media.

### Dealing with Hate-Motivated Activities

92. The Department of Canadian Heritage contributes to the development of legislative and non-legislative options to address issues of hate-motivated activities, including the spread of hate messages, by working in partnership with pertinent government bodies, the law enforcement community and community organizations.

93. The Department has been involved in federal-provincial-territorial discussions focussing generally on issues relating to hate propaganda. It chaired, in 1993 and 1994, a series of interdepartmental meetings with the departments of the Solicitor General, National Defence, National Revenue, and Justice to share information on how different departments are responding to this issue, particularly the importation and exportation of hate propaganda.

94. In April 1997, the Secretary of State (Multiculturalism) (Status of Women), in cooperation with the Solicitor General and the Minister of Justice, convened a National Planning Meeting on Hate Crime and Bias Activity. Representatives of community groups most affected

by hate crime and bias activity were asked to identify the key issues requiring action and to recommend how government and other stakeholders might best address these issues.

95. In 1996-97, Parliament passed amendments to the *Criminal Code* that permit courts to sentence criminals more severely when their acts are motivated by hate based on prejudice against any group protected by human rights legislation.

96. In 1996-97, the Department of Canadian Heritage and the Department of Industry commissioned a comparative review of the various international government-policy approaches to combatting hate on the Internet.

97. Some of the Multiculturalism Program's actions directed at racism, hate and bias activities are coordinated at the regional level. This ensures a more direct focus of policies at the community and regional levels. It will be useful, for the purpose of this report, to highlight some examples of the Program's regional and district activity:

- In the Chilliwack region of British Columbia, through Canadian Heritage's regional office, the Chilliwack Anti-Racism Project Society received support for a two-day conference on how hate groups function. The workshop provided key training for individuals in the community. The local municipality and community groups participated.
- In Atlantic Canada, a research project coordinated by the Nova Scotia Barristers' Society was supported by Canadian Heritage's Atlantic region. It was established to determine the areas of discrimination experienced by Black and East Indian lawyers. It is expected to improve employment opportunities for minority group lawyers and to lead to legislative reform to eliminate these areas of discrimination.
- A project to counter the problems of racial violence and intolerance in public schools in Moncton, New Brunswick, was supported by the Atlantic regional office of the Department of Canadian Heritage. It was implemented through the Multicultural Association of the Greater Moncton Area.
- Canadian Heritage's Prairie region (Saskatchewan area) supported a project that organized cultural camps to sensitize provincial judges about discrimination faced by Aboriginal people, including exposure to sentencing circles and other aspects of traditional Aboriginal justice methods.

98. In 1994, the Department provided funding to the League of Human Rights of B'nai Brith Canada for a symposium on the legal remedies for hate crimes. The symposium was attended by key stakeholders, including government, law enforcement, justice and legal professionals and community representatives. Follow-up activities include the forging of a network of stakeholders dealing with the legislative and non-legislative responses to hate crime.

99. Funding has recently been provided to the Canadian Association of Chiefs of Police to produce and disseminate a guide for police chiefs on the subject of hate and bias-motivated

crime. The guide is to assist in developing appropriate responses to hate-motivated activities. Several police services, for example, have created “bias crime” units to deal with this particular form of crime.

100. To coincide with a nationally televised documentary on the activities of hate groups in Canada, the Department provided financial and technical assistance for the development of a brochure on dealing with hate groups. The brochure was distributed to high-school students across the country.

#### The Canadian Race Relations Foundation

101. The Canadian Race Relations Foundation was created by the Government of Canada to reaffirm the principles of justice and equality for all in Canada. The *Canadian Race Relations Foundation Act* was given Royal Assent in February 1991 and proclaimed by the federal government on October 28, 1996. At the time of the proclamation, the Foundation received a one-time endowment of \$24 million from the Government of Canada. Since its endowment, the Foundation has undertaken a number of initiatives across Canada that focus on public education to dispel myths, to oppose stereotypical portrayals, and to present positive images of racial minorities and Aboriginal peoples. In addition, it has established a research program to further the understanding of racism and to identify potential solutions.

#### Creating Accessible Institutions

102. In order to restore the confidence of the citizens to whom they are accountable, institutions must become more accessible, responsive and reflective of the total community. This is a matter not only of fairness and equity, but also of cost effectiveness, social harmony and public confidence.

103. On International Human Rights Day, December 10, 1993, the Department of Canadian Heritage launched *Toward Full Inclusion: Gaining the Diversity Advantage*, a guide to planning and carrying out change in Canadian institutions. This prototype outlines the steps and provides the tools necessary to help institutions change their policies, programs and practices in response to diversity. In 1993-94, the Department offered training courses for staff and representatives of public institutions on the use of *Toward Full Inclusion*. Over 350 copies of the guide have been distributed for field use across the country, in private and public institutional settings.

104. Conflict resolution offers a non-litigious alternative approach to dispute resolution in an increasingly diverse society. In 1994, the Department of Canadian Heritage worked with the Canadian Institute for Conflict Resolution to train public servants in community-based conflict resolution. Training in conflict resolution leads to the acquisition of generic skills which can be applied in conflict situations arising from cultural, racial, gender, linguistic, interpersonal or other issues.

105. A key aspect of this pilot project was the establishment of a network of resource people in federal departments and agencies. Participants in the training project have organized an

interdepartmental working group and are taking responsibility for developing follow-up strategies and areas of collaboration.

#### Citizenship and Heritage Week

106. Each year, Citizenship and Immigration Canada (CIC) and the Department of Canadian Heritage sponsor Citizenship and Heritage Week. Building on citizenship ceremonies, the Week helps inform Canadians of the attachment new Canadians have and promotes values, including tolerance and mutual respect. In addition, some regional Citizenship offices hold special citizenship ceremonies and invite guests to speak about human rights and freedoms in Canada in celebration of International Human Rights Day, December 10. CIC is also but one contributor to *Scattering of Seeds*. This video series, launched in 1997, tells the stories of immigrants to Canada and highlights their experiences and contributions. Teaching materials complement the videos that help bridge gaps between immigrants and citizens.

#### National Recognition of Aboriginal Achievements

107. At the conclusion of the United Nations International Year of the World's Indigenous People, the National Aboriginal Achievement Awards were established to recognize and promote the outstanding achievements of Aboriginal people in diverse fields throughout Canada. These awards are continuing with the International Decade of the World's Indigenous People. As well, in 1996, June 21 was declared National Aboriginal Day to recognize the contributions and achievements of Aboriginal people in Canada.

#### Canadian Human Rights Commission

108. In recognition of the importance of education in the effort to promote justice and equality, the Canadian Human Rights Commission launched an interactive game on its Internet site (<http://www.chrc-ccdp.ca/promotion/hydra/play.asp>). *Erasing the Hydra of Hate* is an outgrowth of a poster called *Stop the Hatred*, which was developed with educators and students and community anti-racism groups from the province of Manitoba. Both the game and the poster are aimed at helping young Canadians understand how hatred and racism develop and learn what each person can do to stop them.

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## PART IV: MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES\*

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### BRITISH COLUMBIA

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#### General

109. This report contains information on policy developments respecting the elimination of racial discrimination during the period of June 1993 to May 1997. As such, this document represents an amalgamation of British Columbia's submissions to the thirteenth and fourteenth reports on the *International Convention on the Elimination of All Forms of Racial Discrimination*.

110. British Columbia is an ethnically diverse province. At the time of this report, the total population of British Columbia is approximately 3,724,500. Those who are particularly vulnerable to racial discrimination include recent immigrants and Aboriginal groups. For the period 1991-1996, the total immigrant population was 216,615, while the total Aboriginal population was 139,655.

111. Since 1989, the top 5 source countries of immigrants to British Columbia have consistently been Hong Kong, Taiwan, the Philippines, India and Mainland China. These 5 sources represented 64.8 percent of all immigrants to B.C. in 1993. Those from Hong Kong and Taiwan tended to fall into the business and retired class, while immigrants from India, China and the Philippines were heavily concentrated in the family class. More than two-thirds of the recent Filipino immigrants were females who tended to be admitted under the Live-in Caregiver Program. On the whole, British Columbia received fewer refugee claimants while attracting proportionally more economic immigrants than other Canadian provinces. For example, during the 1994-96 period, Vancouver received 4,947 refugee applications, which represented only 4 percent of the overall landings in Vancouver. In contrast, Toronto received 22,179 refugee applications in the same period.

#### Article 2

##### Legislative, Judicial or Other Measures

112. Essentially, there are three overlapping legislative schemes that address the issue of racial discrimination in British Columbia. First, there is the *Canadian Charter of Rights and Freedoms*. As one of the cornerstones of the Canadian Constitution, the Charter applies to all provinces and territories. In addition, British Columbia has passed two acts designed to promote equality

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\* In geographical order, from west to east.

amongst its citizens: the *Human Rights Code*, R.S.B.C. 1996, c. 210, and the *Multiculturalism Act*, R.S.B.C. 1996, c. 321.

### Canadian Charter of Rights and Freedoms

113. The equality provisions guaranteed by the Charter are set out in subsection 15(1): “Every individual has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

114. The primacy of this provision is revealed in subsection 52(1) of the Constitution which states, “The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.” In effect, any provincial law which violates the equality provisions of section 15 could be struck down.

115. Please see Appendix B for the full text of the *Canadian Charter of Rights and Freedoms*.

### Human Rights Code

116. Like the Charter, the *Human Rights Code* also prohibits discrimination on the basis of race, colour, ancestry, and place of origin. Please see Appendix C for the text of the Code.

117. The essence of the Code is to protect against discrimination in four broad areas: employment; publications; sale and rental of property; and lastly, services, facilities, and accommodation that are customarily available to the public.

118. The period from 1993 to 1997 witnessed a series of important developments in the human rights scheme in the province. In February 1994, the provincial government commissioned law professor and human rights expert Bill Black to conduct a complete review of the British Columbia human rights system. After holding extensive meetings throughout the province, Professor Black submitted his findings in September 1994. In his report, Professor Black recommended a structural and procedural reorganization of the British Columbia Human Rights Council. In short, he advocated a separation of the Council into two distinct bodies: a Commission, and a Tribunal. In this way, there would be a separation of adjudicative functions, on the one hand, from educational and activism functions, on the other.

119. This separation of functions was conceived to permit the agency to play a more proactive role in advancing human rights while meeting the need to preserve the impartiality of a tribunal. Previously, it would have been difficult, for example, for the Council to publicly denounce racist acts for the simple reason that if the acts culminated in a complaint, the agency would then be asked to adjudicate the matter. The new system eliminates this fetter on the agency’s effectiveness. Furthermore, it addresses issues of systemic discrimination and patterns of inequality in British Columbia and permits the agency to intervene in or become a party to complaints.

120. Effective January 1, 1997, the provincial government adopted Professor Black's recommended structural and procedural amendments, and the British Columbia Council of Human Rights was replaced by the British Columbia Human Rights Commission and the British Columbia Human Rights Tribunal. As well, a Human Rights Advisory Council was established as a vehicle to transmit the views of the community to the Human Rights Commission and the Minister Responsible for Human Rights.

121. The British Columbia Human Rights Commission plays a broad public education role. While its activities are too numerous to list in full, examples of its involvement include presenting seminars and workshops to various professional associations as well as community organizations on anti-racism and multicultural themes; offering advice and assistance to employers setting up employment equity programs; presenting theatrical works addressing the theme of human rights; and issuing press releases on significant hearing decisions to increase public awareness of human rights issues. The Human Rights Tribunal is an independent, quasi-judicial body that adjudicates and mediates human rights complaints that have been referred to it by the Human Rights Commission.

### Multiculturalism Act

122. After extensive round-table consultations with diverse community representatives throughout British Columbia, the provincial government proclaimed the *Multiculturalism Act* on September 9, 1993.

123. Section 2 of the Act states:

"The following are the purposes of this Act:

- (a) to recognize that the diversity of British Columbians as regards race, cultural heritage, religion, ethnicity, ancestry and place of origin is a fundamental characteristic of the society of British Columbia that enriches the lives of all British Columbians;
- (b) to encourage respect for the multicultural heritage of British Columbia;
- (c) to promote racial harmony, cross cultural understanding and respect and the development of a community that is united and at peace with itself;
- (d) to foster the creation of a society in British Columbia in which there are no impediments to the full and free participation of all British Columbians in the economic, social, cultural and political life of British Columbians."

124. A copy of the Act detailing the provincial government's policy on multiculturalism has been provided in Appendix D.

## Other

125. Also in 1993, the British Columbia government, in partnership with its unions, developed policies and procedures to deal with harassment and discrimination in the workplace, including racial discrimination. The objective of the policy is twofold: to prevent discrimination and harassment, as well as to provide an effective procedure for dealing with such complaints. In order to familiarize employees with the new policy and procedures, mandatory harassment awareness workshops were held throughout the government between 1993 and 1995. This new policy is broad in scope and is meant to govern not only interaction between public-sector employees themselves but also interactions between employees and the clients they serve.

126. In addition, the Multiculturalism Branch of the Ministry of Attorney General promotes and protects British Columbia's rich multicultural heritage. Thus, one of its principal mandates is to work toward the elimination of racism.

127. Each year, this branch plays an active public-education role by, among other things, organizing activities around the International Day for the Elimination of Racial Discrimination, on March 21; hosting anti-racism forums, including those specifically aimed at youth; and funding numerous organizations throughout the province in their efforts to promote multicultural values. For example, in 1995-96, 29 community organizations with a primary mandate of anti-racism received \$751,220 in grants. That funding commitment was maintained in 1996-97.

## **Article 4**

### Hate Propaganda and Incitement of Racial Discrimination

128. In June 1993, in response to concerns regarding hate literature and other forms of discriminatory publications, British Columbia passed the *Human Rights Amendment Act, 1993* prohibiting publication or display of any statement, notice, sign, symbol, emblem or other representation that indicates discrimination or an intention to discriminate ... or is likely to expose a person or group ... of persons to hatred or contempt because of the race, colour, ancestry, place of origin ... of that person or that group ... of persons.

129. The staff of the British Columbia Human Rights Council, as it then was, followed up on the 1993 amendments by giving a number of presentations on the impact of the new provisions. The Council advised various professional groups, including police officers, lawyers, and librarians.

130. Another important development in British Columbia was the creation of the provincial Hate Crime Team on April 24, 1996. The Team, composed of members of the Royal Canadian Mounted Police (RCMP) and Vancouver Police Department, Crown counsel and policy staff from the Ministry of Attorney General, was created to prevent and support the investigation and prosecution of hate-motivated activities.

131. The Hate Crime Team, in partnership with the Multiculturalism Branch of the Ministry of Attorney General, tracks racially motivated offences. Its other objectives include supporting the development of community resources to assist individuals experiencing racial discrimination; developing a referral service for individuals dealing with racism; engaging in ongoing community consultations; and, finally, acquiring anti-racism resources to be used by community organizations.

132. To support the objectives of the Hate Crime Team, a series of forums and community consultations on the topic of hate crime were hosted in various cities throughout British Columbia. In addition, the Team commissioned research on the promulgation of hate material on the Internet. For example, funds were dedicated to assist the Mayor of Oliver in developing a community response to the emergence of a local Internet service provider supporting hate-related sites.

## Article 5

### Equality Before the Law

133. From December 1992 to May 1993, the Government of British Columbia commissioned Justice Anthony Sarich to inquire into the relationship between the Aboriginal community and the police, Crown prosecutors, courts, probation officers and family court counsellors in the administration of justice in the Cariboo-Chilcotin region. The inquiry firmly established Aboriginal justice issues as a major government priority.

134. In response to the report, released in October 1993, the Government has attempted to improve relations between First Nations and provincial authorities. For instance, in order to begin healing the historic rift between First Nations communities and law enforcement agencies, the Attorney General of the province issued an apology for the hangings of Chilcotin chiefs during an uprising in the 19th Century. In addition, funding was also provided for the archaeological excavation of the chiefs' grave sites to ensure a proper burial.

135. During the same period, the provincial government also established the Oppal Commission on Policing in British Columbia to investigate and report on a broad range of policing issues, including public confidence in the system. Justice Oppal's final report, *Closing the Gap: Policing and the Community*, was submitted in 1994. Following Justice Oppal's recommendations, the provincial government has adopted a new model for handling complaints, including complaints of racial discrimination, under the *Police Act*, R.S.B.C. 1996, c. 367 (see Appendix E). The new model creates an independent Complaint Commissioner with expanded powers of oversight and review to ensure a more effective and efficient process for resolving complaints.

136. The government has also implemented other race relations initiatives, including intercultural education for police, court workers and other justice personnel. As well, the Ethnocultural Equality Working Committee was established to work in conjunction with the national Working Group on Multicultural and Race Relations in the Justice System to identify

and carry out priority empirical research to determine the nature and extent of systemic bias in the justice system. Another method adopted by the government in order to meet its goal of ensuring equal access to justice programs and employment is the attempt to attract recruits to law enforcement agencies to ensure that they represent the full cultural diversity of the province.

137. A further justice reform goal in British Columbia is to promote equality in the use of discretion in the system. Areas in the justice system where discretion is particularly important include diversion to alternative measures programs, restorative justice programs, release and bail procedures, and jury selection. Work on this justice reform goal is ongoing.

### Security of the Person

138. The *Canadian Charter of Rights and Freedoms* guarantees the right of security of the person in section 7, which states, “Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.” As previously explained, the Charter is binding on all the provinces and territories of Canada.

139. To minimize the potential for violent interaction between law enforcement officers and citizens of the province, specialized training for law enforcement recruits is offered. This specialized training of police and correctional officers is delivered primarily via the Justice Institute of British Columbia through the operations of the Police Academy and the Corrections Academy. Training of municipal police recruits at the Police Academy emphasizes those sections of the *Canadian Charter of Rights and Freedoms* which concern the legal rights or various protections afforded those persons in contact with the Canadian criminal justice system. These legal rights, together with the Charter sections which address equality rights and remedies available for the infringement of Charter rights, receive significant review and analysis throughout the recruit training process.

140. For further information on police training and on the protection that British Columbia offers its citizens against violence or bodily harm, please refer to Canada’s third report on the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

### Political Rights

141. The right to vote in a federal election is constitutionally guaranteed in section 3 of the *Canadian Charter of Rights and Freedoms*.

142. British Columbia also guarantees the right of all citizens over the age of 18, regardless of ethnicity, to vote in provincial and municipal elections pursuant to the *Election Act*, R.S.B.C. 1996, c. 106.

143. Further information on the protection of political rights can be found in British Columbia’s contribution to Canada’s fourth report on the *International Covenant on Civil and Political Rights*.

## Other Civil Rights

144. Other civil rights, such as mobility rights and freedom of expression, are constitutionally guaranteed in the *Canadian Charter of Rights and Freedoms*. In addition to the Charter, the *Human Rights Code* offers further protection. For instance, the Code ensures the right of access to any public service.

145. Please refer to British Columbia's submission to Canada's third report on the *International Covenant on Economic, Social and Cultural Rights* for information on the protection of civil rights not included in this report.

## **Article 6**

### Remedies

146. As previously mentioned, subsection 52(1) of the Constitution gives Canadian courts the legislative authority to review any piece of provincial legislation to ensure it accords with the principles underpinning the Constitution. If a piece of provincial legislation is *ultra vires* the Constitution of Canada, the court may choose to strike the act down or to read it down so that it remains consistent with the Constitution.

147. In addition, there is a specific remedies section within the *Canadian Charter of Rights and Freedoms* to deal with violations of the Charter. Please refer to subsections 24(1) and (2) of the Charter included in Appendix B for further information.

148. With respect to violations of the *Human Rights Code*, several remedies are available to members of the Commission. These remedies include: (a) a cease and desist order; (b) making available the right, opportunity or privilege that was denied; (c) compensation for any wages lost or any expenses incurred; and (d) damages for injury to feelings and self-respect.

149. In July 1993, British Columbia's human rights scheme was amended to remove the \$2,000 limit on general damages to individuals. Another change allows class action suits and authorizes the Commission to order remedies affecting a whole class of persons.

150. In the event a party to a human rights complaint is dissatisfied with the B.C. Human Rights Tribunal decision, that party does have a further right to appeal. The dissatisfied party may seek judicial review of the decision in the British Columbia Supreme Court.

151. Finally, all members of the public have redress to the provincial Ombudsman if dissatisfied with treatment they have received at the hands of public officials or agencies. Under the authority of the *Ombudsman Act*, a copy of which is provided in Appendix F, the Ombudsman can investigate complaints to ascertain whether the public is being treated fairly.

## Article 7

### Education, Culture and Information

152. The Government of British Columbia strives to incorporate First Nation, multicultural and anti-racism materials and principles into its education programs. For example, in 1993-94, the Ministry of Education dedicated funding to initiatives such as the review of curricula and resources for anti-racism components, as well as the incorporation of anti-racism resources into the Learning for Living curriculum and the development of a Planning Guide for Multicultural and Anti-Racism Education to assist teachers. At the same time, funding was provided to the Centre for Curriculum and Professional Development to ensure anti-racism and diversity themes were included in curriculum development. The following year, the Ministry of Education incorporated multiculturalism and anti-racism themes into all Integrated Resource Packages developed for teachers in the Kindergarten-to-Grade-12 public education system. In 1996, new principles for school accreditation were developed which now include considerations of students' tolerance and respect for others. In May 1997, 240 educators in British Columbia received questionnaires as part of the activities of the Canadian Council for Multicultural and Intercultural Education (CCMIE). Results of the Canada-wide survey will be used to help combat racism in Canadian schools.

153. In conjunction with activities of the Ministry of Education, both the Multiculturalism Branch of the Ministry of Attorney General and the British Columbia Human Rights Commission have significant education functions. While activities are simply too numerous to detail in an exhaustive list, examples of the Multiculturalism Branch's educational role include the organization of provincial anti-racism forums (March 1995) as well as youth anti-racism forums (April 1996, November 1997). Other initiatives have included anti-racism poster campaigns, training for teachers and school administrators on equity and anti-racism issues, student workshops, and support of theatrical productions with anti-discrimination themes, such as "Goodbye Marianne – A Dynamic Theatrical Approach to Combatting Racism in BC Schools".

154. The British Columbia Human Rights Commission has offered educational programs and workshops to schools, businesses, employers, community organizations, law firms and labour groups. In addition, the Commission has supported creative endeavours such as the production of plays with anti-discrimination themes. As well, since 1984, the Commission has invited school children to submit creative works on human rights issues to mark International Human Rights Day on December 10.

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## ALBERTA

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### General

#### Alberta Multiculturalism Commission

155. The Alberta Multiculturalism Commission, formed in 1988, assists in promoting the benefits of cultural diversity. The *Alberta Multicultural Act* affirms the Government's commitment that all Albertans be given the chance to participate and contribute to the cultural, social and economic life of Alberta.

#### Alberta Human Rights, Citizenship and Multiculturalism Act

156. In July 1996, Alberta's human rights legislation was amended to become the *Alberta Human Rights, Citizenship and Multiculturalism Act*. This new Act includes the multiculturalism issues that were covered under the former *Multiculturalism Act*. The Alberta Government, through the Department of Community Development, continues to promote the understanding and acceptance of diversity with this new Act and to protect human rights to ensure that all Albertans can participate and contribute equally to the cultural, social and economic life of Alberta.

#### Alberta Aboriginal Affairs

157. Aboriginal Affairs develops government-wide policy and strategic recommendations to guide the province's relationship with Aboriginal people in a manner that balances the interests of all Albertans. Aboriginal Affairs provides advice to the Premier, Ministers, government departments and agencies, Aboriginal and non-Aboriginal organizations and the business sector.

### Article 2

#### Alberta Aboriginal Affairs

158. In each fiscal year from 1993-94 to 1996-97, Alberta Aboriginal Affairs has provided approximately \$600,000 in funding to the province's 20 Native Friendship Centres. The objective of Friendship Centres is to improve the quality of life for Aboriginal people in urban environments. Friendship Centres support self-determined activities which encourage equal access and participation of Aboriginal people in Canadian society and which respect and strengthen the increasing emphasis on Aboriginal cultural distinctiveness. With the programming funding, numerous projects aimed at improving cultural and cross-cultural awareness were supported at Friendship Centres during this reporting period, including powwows, workshops, community liaison activities, Aboriginal dance, crafts and language lessons.

159. Aboriginal Affairs was involved in the negotiation of land claim settlements with the Government of Canada and several First Nations, resulting in the conclusion of an agreement with one Nation in 1995 and the signing of a memorandum of intent with another in 1996. In 1995, the Alberta Government and 22 of the 45 First Nations in Alberta signed the Understanding on First Nations/Alberta Relations. The Understanding commits the parties to discuss issues of mutual interest and concern.

160. In 1995-96, Aboriginal Affairs initiated the Community Liaison Office on Employment and the Economic Enhancement Program to increase business, employment and training, to promote linkages between business and community, and to develop economic action plans in remote Aboriginal communities.

#### Alberta Community Development

161. Alberta's human rights legislation was amended in 1996 to include Native spirituality as a religious belief as one of the protected grounds under the *Human Rights, Citizenship and Multiculturalism Act*.

162. Community Development's Field Services Branch is involved in community-based decision making with Aboriginal Bands and has also been involved in various projects involving Métis Bands: strategic planning for Métis Nation Zone 3, staff training for Métis Nation staff, and a workshop for the Métis Urban Housing Corporation.

163. The Sport and Recreation Branch provided grant funds, with Alberta Aboriginal Affairs, totalling \$200,000 to the Indigenous Sport Council to assist with Team Alberta's participation in the 1997 North American Indigenous Games.

164. The Historical Resources Branch responded to complaints about the possible derogatory nature of a geographical place name, "Chinaman's Peak." Research was conducted, and public hearings were held on the matter, resulting in the name being officially rescinded in May 1997 after being found derogatory in nature.

#### Alberta Family and Social Services

165. Alberta Family and Social Services, with the federal government, has signed agreements with First Nation child and family service agencies to deliver provincial child welfare services to persons ordinarily residing on the reserves served by the agencies. At June 1, 1997, 29 of the 45 First Nations in Alberta are served by such agreements. Alberta has signed agreements with certain interested First Nations to deliver a program similar to the provincial child welfare program to persons living in defined areas close to the reserve which is the subject of the agreement.

## Alberta Justice

166. In 1993, Alberta Justice established the Office of the Coordinator, Aboriginal Justice Initiatives. The Office is responsible for advising departmental senior management on all Aboriginal issues and programs, and for coordinating the implementation of the recommendations of the 1991 Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta. The Office liaises with key stakeholders within the criminal justice system and the Aboriginal community to encourage development of Aboriginal justice initiatives to meet the needs of the Aboriginal community and to address the requirements of the Task Force report.

167. Alberta has been working closely with Aboriginal communities to facilitate the transfer of control and responsibility for justice programs to those communities. Alberta Justice sponsored several cultural camps and affirmed its commitment to Aboriginal people by supporting Aboriginal policing schemes, Aboriginal community corrections agreements and centres, and by employing Aboriginal justices of the peace. Initiatives in this area include community corrections agreements covering the provision of probation, fine options, court worker, parole and crime prevention programs, and agreements for the running of minimum security camps and correctional centres. As well, Aboriginal awareness training is provided on an ongoing priority basis to staff in Alberta's correctional facilities, Aboriginal Elder positions have been funded in major correctional centres, and Aboriginal spiritual and cultural practices are encouraged in adult and young offender centres.

168. In the area of policing, the Alberta Government signed, or was in the final stages of signing, agreements covering many First Nations to establish Aboriginal policing services with full policing responsibilities. In addition, consultations took place with most other First Nations in the province to identify their policing needs and to ensure that policing services provided by the RCMP meet those needs.

169. Poundmaker's Lodge Adolescent Treatment Centre, which gained national prominence for treating the children from Davis Inlet, Labrador, is operated under contract by an Aboriginal organization. The Alberta Alcohol and Drug Abuse Commission and the Department of Justice also fund specialized addictions services provided within the context of the cultural and spiritual traditions of Aboriginal society.

170. Alberta Justice developed a strategy paper on Aboriginal recruitment and employment. Initiatives include the development and implementation of non-traditional recruitment methods, training programs and a tracking system. An inventory of Aboriginal applicants and a referral service are provided to the Department.

171. Aboriginal programming continues as a priority in the Correctional Services Division. Correctional Services now contracts for the operation of one independently operated Aboriginal correctional centre. Alberta Justice continues to honour its agreements and work closely with Aboriginal communities to transfer the control and responsibility for Justice programs to those communities.

172. Alberta Justice participated in the Canadian Bar Association inquiry into racial equality in the legal profession, and its initiatives towards racial equality are: to ensure that racial equality exists in hiring practices and in the delivery of all legal and non-legal programs; to provide assistance to Aboriginal people through Native Court Worker and Correctional Officer programs; to ensure that people are treated equally regardless of race in all criminal prosecutions; and to provide language and interpretive services if needed in criminal prosecutions. Alberta Justice has a no tolerance policy relative to any unacceptable behaviour and any violation of the *Human Rights, Citizenship and Multiculturalism Act*.

#### Alberta Health

173. Alberta Health announced the Aboriginal Health Strategy for Alberta Health in June 1995 and published a report entitled *Strengthening the Circle: What Aboriginal Albertans Say About Their Health*. The Strategy will provide over \$3 million in funding by the year 2000 towards proposals for improving Aboriginal health and access to health care; one such proposal is to implement a zero tolerance policy towards racism and discrimination in the health system. In 1996, the Northern Communities Project, planned by Alberta Health, health service providers and the northern communities, began operation. This project will improve access to primary and mental health services in remote northern, primarily Aboriginal, communities.

#### Alberta Municipal Affairs

174. Alberta Municipal Affairs, the Métis Nation of Alberta Association and Canada Mortgage and Housing Corporation signed a memorandum of understanding confirming their intent to begin negotiations to develop a means for the delivery and administration of social housing programs, focussing on community-based initiatives.

175. As part of the Alberta Municipal Affairs Business Plan, a key goal is “to ensure that the department’s programs, legislation and policies are adequate and fair and that services and grants are targeted to those citizens, municipalities and organizations in greatest need.” In addition, a core business activity of the Housing and Consumer Affairs Division includes “ensuring those Albertans most in need have access to basic shelter”; another is “to foster a fair marketplace for all Albertans.” These goals and activities are fulfilled without any form of discrimination based on race, colour, descent, or national or ethnic origin. The intent of these programs and the acts administered by the Division are for the benefit of all Albertans. Under the acts, if Albertans believe discrimination played a role in their dealings with others, they are referred to the proper regulatory body, i.e., the Alberta Human Rights and Citizenship Commission.

### **Article 4**

#### Alberta Justice

176. Alberta takes a firm view on the prosecution of the specific crime of hate-mongering and launched a successful appeal of the sentence given to a person convicted of hate propaganda for teaching young children to hate Jewish people. Special circumstances prevented the Appeal

Court from ordering a one-year prison term in this case; however, the Court ordered 200 hours of community service, preferably in service of those “who have come to Canada as victims of racial, religious or ethnic hatred elsewhere.” It is the position of Alberta Justice that sentences for offences motivated by racism should be increased and that courts should consider racism as a relevant aggravating factor in sentencing.

## **Article 7**

### Alberta Aboriginal Affairs

177. Aboriginal Affairs distributed approximately \$400,000 in grants for cultural awareness projects between 1993-94 and 1996-97. The majority of these projects were conferences, powwows or commemorative celebrations. Two historically oriented projects were also undertaken.

### Alberta Community Development

178. Alberta Community Development Field Services Branch has been involved with several multicultural programs run by immigration and cultural centres and specific ethnic community groups in the province.

179. The Sport and Recreation Branch, in partnership with a group of Aboriginal communities and other departments, operates the Alberta Future Leaders Program, which provides leadership training and skills to Aboriginal youth.

180. Alberta Foundation for the Arts supports the arts in Alberta and provides funding to events and activities, such as the Dreamspeaker’s Festival and heritage festivals organized by Alberta’s ethnic communities, which promote interracial understanding and harmony and encourage awareness of Aboriginal and other cultures.

181. Alberta Historical Resources Foundation has funded numerous community-based heritage awareness projects that tell the story of the province’s minorities through historical markers, roadside signs, film, recorded oral histories and publications. The Provincial Museum is undertaking a multi-million dollar refurbishment of its Aboriginal peoples gallery with sponsorship from the Syncrude Corporation. Through sites such as the Head-Smashed-In Buffalo Jump and the Provincial Museum of Alberta, the province offers cultural bridges to the local and international visiting public through interpretive programming.

### Alberta Multiculturalism Commission

182. In 1991, the three-year Multiculturalism Action Plan was implemented. In 1994, following a public review of the Action Plan, a new plan, “Multiculturalism . . . the Next Step” was released. Its goals are: to eliminate racial discrimination in Alberta; to achieve an understanding of, and a commitment to, valuing diversity in government and among all

Albertans; and to promote community leadership and self-sufficiency in diversity planning and programming.

183. In 1997, the Human Rights and Citizenship Commission created and launched the pilot Aboriginal Internship Program as an initiative to improve Aboriginal Albertans' awareness of and access to human rights protection. The Citizenship Services Branch administers the \$1.1 million Human Rights, Citizenship and Multiculturalism Education Fund, providing grants for projects that promote diversity and remove barriers to equal participation in the cultural, social and economic life of Alberta. Examples of these projects are the annual Diversity Summer Institute on understanding and managing cultural diversity, the fall Managing Diversity Symposium for business managers, and the Cultural Ambassadors program. Citizenship Services also provides consultation, information and education to Albertans on human rights, discrimination, and diversity. In 1996-97, Citizenship Services began work on an educational video to raise awareness of the impact of racial and other forms of discrimination in an effort to reduce and eliminate incidents of discrimination.

#### Alberta Advanced Education and Career Development

184. Alberta Advanced Education and Career Development (AECD) established the following programs which improve access to training and education for Aboriginal people to increase their employability: Native service contracts to deliver employment preparation training to Aboriginal Albertans; funding for the Métis Education and Training sub-committee; and contracts through the Summer Temporary Employment Programs providing work experience opportunities for Native youth.

185. AECD distributes a booklet, *Welcome to Alberta*, which provides information to assist new immigrants to Alberta, and publishes *English Express*, a newspaper for adults learning to read English as a second language and literacy learners. In addition, AECD contracts with immigrant service agencies to assist immigrants in a variety of ways with the transition to living and working in a new culture. AECD develops and distributes several publications free of charge to schools, career development centres and the public. Examples of these (developed in cooperation with Alberta Economic Development) are *New Immigrants New Neighbors*, developed to support the Grade 7 social studies curriculum, and *Managing Cultural Diversity in the Workplace*, developed for use by employers. In 1996, the 1994 publication *Defining Work: An Aboriginal Perspective*, a guide to individual career planning, was updated and reproduced.

#### Alberta Education

186. Alberta Education has implemented a requirement that all curriculum and learning and teaching materials approved by the Department meet strict guidelines on tolerance and understanding of all races. This expectation is part of a broader requirement encompassing age, gender, disability and socioeconomic status.

187. Alberta Education was involved with Aboriginal people in the development of various language and cultural learning resources.

### Alberta Economic Development and Tourism

188. Alberta Economic Development and Tourism supported several projects involving Aboriginal business advisory services, assisted in the launch of a pilot entrepreneurial project for young people, provided support for opportunity identification in the forestry sector, and was involved in other economic development strategies for Alberta's Aboriginal citizens.

### Alberta Labour

189. The International Qualifications Service at Alberta Labour began operations in June 1994. This service was created in response to an Alberta government Task Force on the Recognition of Foreign Qualifications. The Service recognizes the educational qualifications of immigrants to facilitate their entry into the labour market, post-secondary institutions and professional associations in Alberta.

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## **SASKATCHEWAN**

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190. Saskatchewan's submission to Canada's thirteenth and fourteenth reports updates to April 1997 the information contained in Canada's twelfth report.

### **General**

191. In 1994, the Government of Saskatchewan, through the Aboriginal Policy Framework, made a policy commitment to prevent and overcome identified inequities and barriers based on racial and cultural differences. In 1994, a partnership between the Saskatchewan Indian and Métis Affairs Secretariat, the Public Service Commission, and the Saskatchewan Indian Federated College was established to develop an Indian and Métis awareness program. The goals of the educational program were: to increase understanding and appreciation for Indian and Métis peoples, their histories, cultures and legal status; and to coordinate an approach to cross-cultural awareness within government and beyond.

192. The Aboriginal Cultural Awareness Program, which emphasizes participatory learning, is now in the final stages of development. The Indian Federated College ensured the cultural appropriateness of the program content, and the Public Service Commission ensured that the format was appropriate, both as an adult learning program and for delivery within government. It is expected that the Program will be available in 1997 to provincial government departments, delivered by Aboriginal facilitators.

193. The Saskatchewan Indian and Métis Affairs Secretariat's Aboriginal Employment Development Program was established to increase the employment opportunities of Aboriginal people. Elements of this program include the application of employment equity at all levels and removal of barriers based on racial and cultural factors.

194. As of April 1997, partnership agreements have been signed between the Indian and Métis Affairs Secretariat and eight of Saskatchewan's health districts. The agreements are intended to address workforce needs and reduce disparity. All of the agreements are designed to increase Aboriginal employment in the health-care sector.

195. Rather than targeting a specific number of jobs for Aboriginal people, these partnerships are about, first, identifying all the opportunities for economic and employment development and, second, ensuring that Aboriginal people have equal access to compete for those opportunities. In addition to identifying employment and economic development opportunities, racial and cultural barriers to Aboriginal participation are also identified in order that strategic initiatives can be developed to overcome these barriers.

196. Partnership agreements are currently being discussed that would see the expansion of the Aboriginal Employment Development Program beyond the health districts to both government and non-government agencies.

## Article 2

### Saskatchewan Human Rights Commission

197. The Saskatchewan Human Rights Commission continues to be the agency responsible for administering and promoting the *Saskatchewan Human Rights Code*. Since the twelfth report, the Saskatchewan Court of Appeal has considered section 14 of the Code, which prohibits the publication or display of any representation "which exposes, or tends to expose, to hatred, ridicules, belittles or otherwise affronts the dignity" of any person or class of persons because of any prohibited ground of discrimination, including race, nationality, ancestry or place of origin. Saskatchewan is one of the few Canadian jurisdictions which has such a provision. An elaboration of the Court of Appeal decision is contained under Article 4, paragraph 242.

#### (a) Race Discrimination Complaints

198. The Saskatchewan Human Rights Commission received 259 discrimination complaints between April 1994 and March 1995. Of these, 37 (14.3 percent) were based on Aboriginal ancestry and 19 (7.3 percent) on other forms of ancestry. The largest number of Aboriginal ancestry complaints (21) involved discrimination in the provision of public services. The largest number of "other ancestry" complaints (10) involved employment.

199. The Commission received 411 discrimination complaints between April 1995 and March 1997. Of these, 42 (10.2 percent of the total) were based on Aboriginal ancestry and 30 (7.3 percent of the total) were based on other forms of ancestry. Again, the largest number of Aboriginal ancestry complaints involved discrimination in the provision of public services. The largest number of "other ancestry" complaints involved employment.

200. Three boards of inquiry were held between April 1995 and March 1997 dealing with discrimination on the basis of Aboriginal ancestry. In the first case, an Aboriginal woman was

denied entry to a Saskatoon restaurant. As well, the doorman made a racist remark about her. The restaurant's owner was ordered to pay the complainant \$1,500 in compensation for injury to feelings and loss of self-esteem. In the second case, a board of inquiry awarded a Regina man \$2,000, saying he had been treated in a reprehensible fashion by his employer. The board found that one of the owners made derogatory remarks to the employee about Aboriginal people and referred to the employee in a derogatory way based on his Aboriginal ancestry. In the last case, two Aboriginal men were subjected to derogatory racial comments on the job. They were each awarded \$700 for injury to feelings.

(b) Employment Equity

201. In 1993, the Provincial Cabinet directed all Crown and Treasury Board corporations and agencies to develop employment equity plans which are approved under the *Saskatchewan Human Rights Code* and monitored by the Commission. As noted in our previous report, the Commission approves equity plans which target women, people with disabilities, Aboriginal peoples and members of visible minorities. Because an equity plan takes a year or more to develop, this initiative did not yield major results until 1994.

202. Between January 1994 and March 1995, the Commission approved 8 new employment equity programs, including 7 covered by the Cabinet directive. This was a 44 percent increase over the 18 approved equity programs at the end of 1993. In addition, Commission staff are working with sponsors on over a dozen employment and education equity programs for future Commission approval.

203. Between April 1995 and March 1997, the Commission approved 6 new employment equity programs. As well, Commission staff monitored 60 ongoing employment and education equity programs and did developmental work on many others.

204. In 1996, the Commission introduced a simpler employment equity process for small employers (those with fewer than 25 full-time employees). The simpler process recognizes the reduced resources and opportunities of this group to initiate equity programs. Ninety-three percent of all employers in Saskatchewan are small employers.

(c) Education Equity

205. In 1995, the Commission's *Education Equity Report* marked its tenth anniversary. The Report provided the impetus for the Education Equity Program described in previous reports under this Convention. In 1995, the Commission invited the 19 school boards with approved Education Equity programs to participate in an assessment of the initiative to date.

206. The goal of the Education Equity programs is to develop supportive classrooms for Aboriginal children and encourage them to complete Grade 12. Now, most school boards with significant enrolments of Aboriginal students have equity programs. All programs focussed on five goals: reviewing curriculum to include Aboriginal content; increasing the involvement of Aboriginal parents in the school system; increasing the number of Aboriginal teachers; reviewing

school policies and practices for bias against Aboriginal people; and providing cross-cultural training for all teachers. Most plans now also include anti-racism or anti-discrimination policies, procedures to deal with discriminatory incidents, and training for staff.

(d) Review of the *Human Rights Code*

207. In 1993, the Human Rights Commission embarked on a thorough review of human rights law in the province, as well as a review of the structure and procedures of the Human Rights Commission itself. This review was conducted over a three-year period and a report titled *Renewing the Vision* was released in July 1996. One hundred and fifty-two recommendations were made.

208. The recommendations modernize enforcement of the *Saskatchewan Human Rights Code* and the promotion of human rights in the province. One of the recommendations contained in the report is that the prohibited ground of race be removed from the Code and the prohibited ground of ancestry be defined to include colour, perceived race, and place of origin. That recommendation is grounded in the belief that the focus should be placed on racism and not on the presumed race of individuals. One way to move away from divisions based on race is to remove the word *race* from the Code as a prohibited ground. The Commission is in the process of consulting community groups on this issue.

Environment and Natural Resources

209. The Saskatchewan Environment and Resource Management Department (SERM) continues the work described in Canada's twelfth report. The Department has created a Cultural Diversity Committee, whose role is to ensure that staff needs are met with respect to cross-cultural training. It envisions an organizational structure within the Department in which people respect cultural values and customs.

210. During 1996-97, the Aboriginal Affairs Policy Framework was developed; it outlines the Department's commitment to Aboriginal peoples and guides staff in their relations with Aboriginal communities. The Framework's policy statement states that achieving sustainable environment and resource management in Saskatchewan depends upon the direct and meaningful involvement of Aboriginal peoples in environment and resource-management decision making. It encourages and facilitates partnerships with Aboriginal groups in environmental protection, renewable resource management and departmental policy/program development. In addition, it commits SERM to provincial employment equity goals of increased Aboriginal employment in all capacities as well as promoting approaches that allow Aboriginal peoples to achieve environmentally, economically and socially sustainable communities.

211. In 1996, SERM was awarded the Aboriginal Government Employees' Network Industry Award, which is based on the following criteria: corporate commitment to Aboriginal peoples; building and strengthening relationships with Aboriginal communities; increasing Aboriginal employment; promoting Aboriginal business development; and Aboriginal education and cultural sensitization forums.

## Multiculturalism

212. In January 1995, Saskatchewan Municipal Government released a discussion paper entitled *Responding to the Community: Proposals for Cultural Development*. The discussion paper outlined seven proposals for the restructuring and rejuvenation of the arts, cultural industries, heritage and multiculturalism sectors. One of the proposals included the drafting of new multiculturalism legislation to replace the outdated 1974 Saskatchewan *Multiculturalism Act*. This was achieved through public consultations and establishment of the Multiculturalism Legislation Framework Consultation Committee. The Committee submitted its final report to the Saskatchewan Government in August 1996. A new *Multiculturalism Act* was drafted and enacted April 28, 1997.

213. Saskatchewan was the first province to include Aboriginal peoples in its definition of multiculturalism. In fact, the new *Multiculturalism Act*'s definition of multiculturalism includes all people. Saskatchewan was also the first to address social justice and human rights issues in its legislation.

214. Another of the proposals outlined in the discussion paper was to establish an Interim Multiculturalism Committee to examine the potential for consolidating multiculturalism, including funding, within one agency or structure. The Committee is expected to submit its final report to the Saskatchewan Government by June 1997.

215. Several initiatives aimed at promoting multiculturalism and eliminating racism and discrimination have been undertaken by Saskatchewan Municipal Government:

- Each year, the Minister Responsible for Multiculturalism designates a week in November as Multiculturalism Week. All citizens are encouraged to celebrate Saskatchewan's rich cultural heritage and share in the cultural activities organized by communities throughout the province.
- Each year, the Government of Saskatchewan initiates special projects to commemorate March 21, the International Day for the Elimination of Racial Discrimination. This special day promotes the benefits, understanding and appreciation of diversity and demonstrates the Government's commitment to a racism-free society. In 1996, the Department provided financial resources to 6 of the province's multicultural cultural organizations (collectively known as the Saskatchewan Multicultural-Intercultural Association) to design and produce posters, banners, and buttons depicting an anti-racism message/theme for distribution province-wide. Activities for March 1997 included an anti-racism seminar initiated and facilitated by the Department and administered by the Association.
- To address racism in northern Saskatchewan, the Department entered into a contract with the Kikinahk Friendship Centre to conduct a Northern Race Relations Conference in La Ronge. The Conference featured a series of workshops on the social structures, intercultural relations, and perspectives of First Nations and Métis people, particularly in

Northern Saskatchewan. The theme of the Conference was "Open Communication Breaks the Chains of Racism." The report on the Conference, submitted to the Department in February 1996, identified factors that influence racism in northern Saskatchewan, and outlined plans for future action, including the monitoring and evaluation of effective change.

- The Province of Saskatchewan, in concert with the Federation of Saskatchewan Indian Nations, Saskatchewan Parks and Recreation Association, Sask Sport Inc., University of Regina, Department of Secretary of State of Canada, and the Multicultural Council of Saskatchewan, formed the Elimination of Racism in Sport and Recreation Committee. The Committee has developed a policy, a leaders' manual, and a facility sign to promote the elimination of racism. The Committee is now developing a resource kit, which includes an instructional video, the policy statement, the leaders' manual and a facility sign. The resource kits will be available at no cost to communities and sport and recreation organizations to assist them in eliminating racism from sport and recreation.
- The Department worked closely with the Saskatchewan Multicultural-Intercultural Association to hold the first Multicultural-Intercultural Conference. The forum, held in February 1997, provided the multicultural community with the opportunity to participate in workshops and have round-table discussions on issues of concern related to multiculturalism. Topics included language, immigration, religion, economic opportunities, cultural awareness, and a youth workshop on "Retaining Your Culture."

### Social Services

216. A number of initiatives have been undertaken to improve the delivery of social programs to First Nations and Métis people:

- Section 61 of the Saskatchewan *Child and Family Services Act* allows the Minister of Social Services to enter into agreements with First Nations for design and delivery of their own child and family services programs in reserve communities. Sixteen bilateral agreements have been negotiated with First Nations for this purpose. There are currently eight operational First Nations Child and Family Services Agencies in the province.
- Several other sections of the Saskatchewan *Child and Family Services Act* address issues related to First Nations; for example, subsection 37(10) requires at least 60 days' notice to a First Nations Band if an application is being made for a permanent or long-term care order with regard to a Band member.
- The Department of Social Services has developed a program focussed primarily on First Nations and Métis children in the care of the Minister of Social Services, which is designed to facilitate reconnection to their families and communities. This program resulted from consultation among First Nations, Métis communities and government and is intended to address the issue of the disproportionately high number of First Nations and Métis children in care. This program will also have an effect on the problems faced by

First Nations and Métis children who have been adopted by non-Indian and Métis families and who, as adults, are trying to trace their cultural and racial roots.

- Arrangements have been made with several First Nations in the northern part of the province to deliver social assistance services to their Band members who reside off-reserve.
- The Department of Social Services has implemented several models of restorative justice for youth and young offenders which are intended to prevent or reduce the length of custody orders. These models target young people, victims of young offenders and families, and include:
  - a victim's consultation process administered by the Regina Friendship Centre;
  - the Family Preservation Program which is focussing on recruiting First Nation and Métis service providers;
  - alternative measures programs operated by First Nations or Métis organizations which provide alternatives to court proceedings for youth;
  - young-offender day programs operated by First Nation or Métis organizations which provide a variety of educational, leisure and accountability-focussed programs intended to reduce offending behaviours in high-risk youth; and
  - Restorative Youth Justice programs, some of which are operated by First Nations and Métis organizations.
- The Department of Social Services is targeting \$200,000 in the 1997-98 fiscal year to assist with community development in northern communities. This funding will assist northern communities which have large Métis and First Nations populations to identify their issues, and support community responses to uniquely northern problems.

#### The Public Service Commission—Employment Equity and Harassment Protection

217. The 1995 Collective Bargaining Agreement signed between the Government of Saskatchewan and the Saskatchewan Government Employees Union (SGEU) builds upon a previous commitment to cooperate in formulating, implementing and monitoring an Employment Equity Program. The agreement also established a Joint SGEU/Management Employment Equity Committee and departmental employment equity committees.

218. The agreement reiterates that the goals of the Program are to identify, eliminate and prevent discriminatory policies, practices and barriers. In addition, the function of the Joint Committee is to introduce measures to redress the effects of past practices and to accelerate proportional representation of the designated groups throughout the Public Service. The agreement states that all classes of positions may be utilized for employment equity staffing; previously, only entry-level positions and a limited number of higher-level positions were considered.

219. The Collective Agreement, now in its third year of implementation, also contains an anti-racism and anti-discrimination initiative. In the past year, the implementation committee has coordinated three province-wide training programs involving approximately 600 employees. Departments have taken responsibility for strategizing around the best mechanisms for continuing to roll out this program, given their priorities and resources. An orientation program was developed to assist departments in providing a 1.5-hour policy orientation to employees and managers as requested.

220. The Public Service Commission provides coordination of applicant inventories aimed at increasing the representation of all employment equity-designated group members. The Aboriginal and visible minority inventories are promoted to potential candidates through a variety of community groups, presentations and networking. Staffing consultants with the Public Service Commission encourage managers to recruit from these inventories for permanent and non-permanent hiring within the Public Service.

221. The Government of Saskatchewan continues to employ a complaint-based mechanism to address allegations of racial, ethnic, gender and sexual harassment in the workplace. This involves an investigation of the allegations by a two-person union-management investigation team. If the investigation determines it is warranted, the employer may discipline an employee who engages in racial, ethnic, gender or sexual harassment of another employee. The government's anti-harassment policy is currently under review. A joint union-management committee is examining the effectiveness and efficiency of the policy as it relates to reducing harassment in the workplace.

222. The Aboriginal Cultural Awareness Program initiative has recently been finalized. Through the cooperation of the Saskatchewan Indian Federated College (SIFC), the Saskatchewan Indian and Métis Affairs Secretariat (SIMAS) and the Public Service Commission (PSC), a flexible modularized program has been researched and developed. The purpose of this program is to provide government employees with the information to better understand the Indian and Métis cultures in order to improve race relations both among workers and between workers and clients. The Program consists of a core program (two days) that covers the historical context. There are four additional modules that departments can access based on group or departmental need. Deputy Ministers will be receiving an orientation to this program on May 1. It is anticipated that the program will be printed and ready for distribution to departments in May. It will then be up to departments to strategize on how they wish to implement the program.

### Justice

223. The Strategic Plan of the Department of Justice includes an Aboriginal core strategy which is designed to "foster a justice system relevant to, respectful of and respected by Aboriginal people through measures, both within the existing system and as developed by Aboriginal people." To further this strategy, the Department has undertaken a number of community justice development activities in partnership with Aboriginal communities. These initiatives include:

- Establishing 19 First Nations policing agreements through which First Nations have a direct relationship with police via a Police Management Board and through a contract with local policing.
- In 1995, the Saskatchewan Government reintroduced the Aboriginal Court worker Program, which is run by an advisory board whose members are appointed by the provincial Minister of Justice as recommended by the Department of Justice, the Federation of Saskatchewan Indian Nations and the Métis Nation of Saskatchewan. Justice Canada also provides a representative to assist and to act as a resource person. Court worker services are provided by Aboriginal Carrier Agencies located throughout the province. The objectives of the Program are to assist Aboriginal accused persons to understand their rights, options and responsibilities before the criminal courts and to explain court procedures and the operation of the criminal justice system to the accused person, his or her family and the community. The Program provides counselling, information and referral services. It also attempts to reduce the cultural and linguistic barriers between Aboriginal accused persons and others involved in the administration of criminal justice. The court workers assist in enhancing the awareness and appreciation within the criminal justice system of Aboriginal traditions, values, languages and socio-economic conditions, and attempt to increase the use of culturally sensitive alternative measures by providing information on sentencing alternatives.
- Fifteen community justice projects have been funded in urban, northern, First Nation and Métis communities. These projects will have responsibility for delivery of justice services to the community as well as assisting in building the capacity to manage justice services at the community level. The type of services envisioned include crime prevention, victim services, and alternative measures (diversion, mediation, family group conferencing, healing circles and sentencing circles). These processes help the community become directly involved in determining appropriate justice responses and accountability for offences occurring in or involving that community.
- As well, Saskatchewan Justice has undertaken, in partnership with the Aboriginal Women's Council of Saskatchewan, projects to assist Aboriginal women to respond to family violence, dating violence, and the potential violence against prostitutes.

## Health

224. The Wellness and Health Promotion Branch of the Department of Health has had an Aboriginal health promotion consultant since fall 1993. The consultant has been working with an Aboriginal steering committee to develop a pilot program for diabetes. The Policy & Planning Branch of the Department of Health has created two Senior Policy Analyst positions for individuals who act as liaisons on all Aboriginal issues and who work to develop relationships between government and Aboriginal organizations on health and wellness matters.

225. Saskatchewan Health plays a major role in supporting employment equity initiatives in the health system. These initiatives have focussed on Aboriginal issues and building a greater

awareness. For example, the Department assists SIMAS in consultations with a number of District Health Boards and with the Saskatchewan Association of Health Organizations to establish frameworks for providing employment opportunities for Aboriginal people within their respective health districts.

226. The Department is currently holding discussions with the FSIN regarding participation of First Nations in health renewal with other relevant organizations throughout the province, to work toward a representative workforce in the health sector that is reflective of the health services utilized by First Nations people.

227. The Northern Health Services Branch of Saskatchewan Health is responsible for providing health services to the residents of northern Saskatchewan, the majority of whom are First Nations or Métis. The variety of community-based programs includes primary care, public health nursing, mental health, physician's services, child dental care, home care, public health inspection, nutrition counselling, speech language pathology, health education, medical health officer consultation, and program support services. Board formation is proceeding at a pace set by the northern communities and responsibility for services will be transferred to the boards following a comprehensive orientation in spring 1998.

228. Saskatchewan Health has been instrumental in establishing a degree program in Saskatchewan for Environmental Health Officers focussed on meeting the needs of Aboriginal people. The program will be reviewed by the Board of Certification, Canadian Institute of Public Health Inspectors, for accreditation in 1997-98 as one of the final steps in the process.

### Immigrant Settlement

229. The Department of Municipal Government delivers the Immigrant Settlement Assistance Program which provides financial assistance to non-government immigration settlement agencies that render direct settlement services to immigrants and refugees. In 1996, a total of \$86,000 was allocated to four settlement agencies. An additional \$14,000 has been added to the Program's fund for 1997, and a fifth immigrant service agency will be invited to apply to the Program for assistance.

230. The Department of Municipal Government is a member of a federal-provincial working committee formed to assess the delivery of English as a Second Language (ESL) programs in the province, and to make recommendations for change. Presentations to the committee from organizations involved in the delivery of ESL programs, as well as students, were completed in 1994. The committee is in the process of drafting a report which will include recommendations for change.

231. The Department entered into a contract with the Immigrant Women of Saskatchewan to facilitate training sessions for workers in contact with victims of domestic violence who are not from the mainstream community, i.e., immigrants, visible minorities. The sessions provided the workers (counsellors, health-care workers, social workers, etc.) with cross-cultural awareness and understanding of the needs of immigrants and visible minorities.

232. In March 1997, the Department entered into a contract with the Saskatchewan Association of Immigrant Settlement and Integration Agencies (SAISIA) to produce a brochure designed to provide basic information regarding immigrant settlement services in Saskatchewan to people overseas making choices on where to settle in Canada, as well as information on settlement services available in Saskatchewan.

233. The Western Canada Association of Immigrant Service Agencies (WCAISA) meets annually to share information among its 33 immigrant service agency members in western Canada. The 4 western provinces take turns each year hosting the conference. Traditionally, the host province bears the administrative expenses of the conference. Saskatchewan hosted the 1996 conference held at Saskatoon in June. The Department contributed \$3,000 towards the event. "Managing a New Era" was the conference's 1996 theme. Sessions included a new vision for settlement renewal and new structures, roles and partnerships for positive community development, as well as strategies for immigration and change.

### Labour

234. Saskatchewan Labour recently completed consultations and drafted the *Occupational Health and Safety Regulations, 1996*, which came into force on December 4, 1997. The *Occupational Health and Safety Act, 1993*, which came into force on October 30, 1993, prohibits harassment in the workplace. Race is one of the criteria identified. Section 2(1)(ℓ) of the Act defines "harassment" as follows:

"harassment" means any objectionable conduct, comment or display by a person that:

- (i) is directed at a worker;
- (ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and
- (iii) constitutes a threat to the health or safety of the worker.

Section 36 of the Regulations requires the employer, in consultation with the occupational health committee, to develop a written policy to prevent harassment.

### Agriculture

235. Saskatchewan Agriculture and Food has an Employment Equity Policy in effect. The Policy covers the hiring of designated groups, including Aboriginal peoples and visible minorities. To date, approximately one-quarter of Department employees have attended either anti-racism/discrimination or anti-sexual harassment training. Internal resources have been dedicated providing this training in-house.

236. The Department has an Aboriginal Policy Action Plan in place to address the needs and opportunities faced by Aboriginal clients and staff. This policy is currently undergoing revisions to ensure that it continues to address critical needs areas.

237. The Department manages a Farm Stress Line which provides counselling and assistance to farmers and rural residents. From time to time the Line has counselled Aboriginal clients who have contacted it for assistance. In the future, the Line will be looking to gain a better understanding of Aboriginal peoples and their needs in relation to agricultural issues.

#### Economic Development

238. Saskatchewan Economic and Cooperative Development has created a position of Senior Coordinator, Aboriginal Economic Development, to act as a liaison between the Aboriginal community and the Department. Part of the mandate of the position is to manage the Department's efforts to support Aboriginal economic development activities. Future development initiatives likely to create significant opportunity for Aboriginal people include Aboriginal ecotourism, agriculture, forestry and mining.

239. With the recent announcement of the federal Procurement Strategy for Aboriginal Business, Saskatchewan Economic and Cooperative Development has responded by initiating a provincial Aboriginal Business Directory with an initial focus on businesses in the construction, manufacturing, professional services and tourism sectors. With federal government access to the Directory, it is expected that Saskatchewan's Aboriginal people will be better able to capture a larger share of federal procurement opportunities. The Directory is particularly useful for businesses interested in joint ventures/partnerships with Aboriginal businesses for the purposes of bidding on contracts.

240. The Office of Northern Affairs provides a range of financial and program services to support new development and expansion of small- and medium-sized northern businesses and industries and to establish and maintain community-based Regional Economic Development Organizations (CREDOs) and increase access of northern businesses to marketing, promotion, research and development, and other resources. It also subsidizes commercial fish transportation in the north. Eligible applicants include northern residents, businesses and community organizations, many of which are Aboriginal.

#### Highways

241. The Department of Highways and Transportation continues to place an emphasis on the anti-sexual discrimination and anti-racial discrimination workshops for all employees. Over time, more and more employees are becoming sensitized to the issues of racism and sexism both within the workplace and in the community. The Department will be making financial contributions to the Employment Equity Conference in June 1997 and the annual seminar of the Saskatchewan Employment Equity Practitioners Association.

### **Article 4**

242. In 1994, in *Saskatchewan Human Rights Commission v. Eugene Bell*, the Saskatchewan Court of Appeal granted the Commission a permanent injunction to stop the sale of racist

stickers. The stickers caricatured a Black person, a Sikh and a person of Chinese ancestry and superimposed the international “not permitted” symbol (a red circle with a line through it) across their faces. The Court of Appeal agreed that the stickers violated section 14 of the Code. The Court also upheld the constitutional validity of section 14 under the *Canadian Charter of Rights and Freedoms*, finding that the section constituted a reasonable limit to freedom of expression that was demonstrably justified in a free and democratic society.

## Article 7

### Saskatchewan Human Rights Commission

243. Public education is a fundamental component of the Saskatchewan Human Rights Commission’s mandate. The Code requires the Commission not only to provide redress for discrimination, but to eliminate it through research and education. The Commission promotes human rights and informs the public of its activities through publications and other educational activities. A new initiative in 1997 was the establishment a Web site. The address is: <http://www.gov.sk.ca/shrc>.

### Education

244. The Equity in Education Forum, which includes Saskatchewan Education, the Human Rights Commission, Saskatchewan School Trustees Association, Saskatchewan Teachers’ Federation and the League of Educational Administrators, Directors and Superintendents, has developed a shared policy framework entitled *Our Children, Our Community, Our Future: Equity in Education*, to be released in fall 1997. This forum has a broad mandate for the ongoing promotion, advancement and support of the adoption and implementation of comprehensive equity policy and plans throughout all education systems in Saskatchewan.

245. The Indian and Métis Education Development (IMED) Program provides funding to school divisions for innovative projects which address the needs of Indian and Métis students. Projects may emphasize such areas as culturally appropriate curricula and resources, family liaison, Indian language instruction, and extracurricular activities that support Indian and Métis culture. In 1996, the Program received an additional \$1 million in funding for a total budget of \$1.1 million. In 1996-97, 52 projects were in operation. A total of 11,653 students (approximately 50 percent of whom are of Indian and Métis ancestry) received the benefits of this program. Program expansion has included an emphasis on integrated school-linked services for Indian and Métis students and their families; the development of comprehensive equity plans; and professional development opportunities for educators, administrators and trustees in such areas as cross-cultural education, counter racism and education equity. The Program also emphasizes partnerships with Indian and Métis people in the planning, implementation and evaluation of projects.

246. The Community Schools Program was begun in the early 1980s to provide enhanced support for vulnerable children and their families in inner-city neighbourhoods. Community Schools promotes parent and community involvement in education and provides enriched

programming to help students achieve success and stay in school. Indian and Métis perspectives and content are integrated into the learning program. As well, the Program supports activities which reinforce Indian and Métis cultures and languages and fosters cross-cultural understanding. The Program was expanded and enhanced with an additional \$1 million in 1996-97 to include 26 elementary schools in 4 urban centres. Currently, development is underway on a new Northern Community Schools Program, which will adapt the Community Schools model to meet the unique needs of northern students. Also, a new Pre-kindergarten Program in Community Schools was introduced in 1996-97. Building on the strengths of the Community Schools model, the Pre-kindergarten Program will promote culturally affirming activities and emphasize language development and enhancement of self-esteem.

### Post-Secondary Education and Skills Training

#### (a) Post-Secondary Education

247. Métis and First Nations education institutions provide education and training programs and contract programs with provincial universities and technical institutions through a variety of academic partnerships:

- The Saskatchewan Indian Federated College (SIFC) is the only fully accredited First Nations-controlled university college in North America. It has a broad mandate to preserve, protect and interpret the history, culture and artistic heritage of First Nations peoples. SIFC is affiliated with the University of Regina and operates out of three locations: Regina, Saskatoon and Prince Albert. Currently serving about 1,500 students, SIFC offers a university access program, Arts, Social Work, and Teacher Education degree programs.
- The Northern Teacher Education Program (NORTEP) focusses on improving the quality of K-12 education in the north by providing teacher education to northern Aboriginal people. Instruction in La Ronge is supplemented by about six months' study through the University of Saskatchewan and University of Regina, leading to a four-year Bachelor of Education degree.
- The Saskatchewan Urban Teacher Education Program (SUNTEP) is a funded program designed to increase the number of Métis and First Nations teachers in the K-12 system. Students (about 64) take teacher-education classes, Native Studies, Aboriginal languages, and required classes leading to a four-year Bachelor of Education.
- The Gabriel Dumont Institute administers university and technical training on behalf of the Métis Nation.
- The Dumont Technical Institute (DTI), federated with the Saskatchewan Institute of Applied Science and Technology (SIAST), delivers technical and business education, training programs and adult basic education to Métis people.

- The Saskatchewan Indian Institute of Technologies (SIIT) has an academic partnership with SIAST to deliver business, technical and adult basic education training to First Nations people.
- First Nations and Métis organizations have established training partnerships with provincial institutions, industry and government to coordinate training needs assessment and delivery.

248. The Saskatchewan Institute of Applied Science and Technology (SIAST) Education Equity Program was approved in 1990 and is monitored annually by the Saskatchewan Human Rights Commission. The Education Equity Program focusses on learner groups designated by the Commission: Aboriginal peoples, visible minorities, women, and people with disabilities. Through the Education Equity Program, SIAST:

- sets goals and implements special measures that will help achieve representative admission, participation and graduation learner levels in certificate/diploma programs;
- identifies and seeks to remove barriers experienced by designated group members to participation in SIAST programs; and
- implements special measures in recruitment, admissions and support services to help designated group students access and succeed in SIAST programs.

249. While Aboriginal students remain under-represented in many SIAST programs, participation levels meet or exceed community population levels in most programs at Woodland Institute, Prince Albert. Through the SIAST Education Equity Program and partnerships with Dumont Technical Institute and the Saskatchewan Indian Institute of Technologies, progress is being made in improving access for Métis and First Nations people to business, technical, apprenticeship and adult basic education.

250. The University of Saskatchewan has established a number of programs designed to eliminate all forms of discrimination, including discrimination on the basis of race. Several of the University's institutional objectives relate to this goal.

251. The University has an employment equity policy which requires that consideration be given to hiring candidates from four designated target groups. Two of these groups are Aboriginal peoples and visible minorities. Annual reports are prepared to document the University's progress in meeting equity goals.

252. In August 1995, the University published a report on education equity which outlines several policy initiatives. The report focusses on the recruitment, admission and retention of students from designated groups; a review of instruction, curriculum and pedagogy; monitoring and ongoing evaluation, including accountability for achieving goals; and continuing education of faculty, staff and students.

253. The University of Saskatchewan is the first university in Canada to appoint an Aboriginal caucus (a traditional talking circle) which advises the University on appropriate initiatives and reports directly to the President. Aboriginal students host a powwow on campus during Welcome Week each fall. Sweat lodges are held and a resource centre has been established which provides such services as visits from elders. The Indigenous Students Society has a lounge on campus and a seat on the student council.

254. The University of Regina has undertaken a number of initiatives aimed at ensuring that the diversity of its community is appreciated. The institution has taken a positive approach to issues and promotes celebration of cultural, ethnic, physical and religious diversity in its community. To support these initiatives the University of Regina has a number of policies in place. Examples include the following:

- University of Regina Racial Harassment Policy Statements
- A policy regarding students with special needs
- A students' rights and responsibilities document

255. The University of Regina is in the process of finalizing an Employment Equity Policy and employs an Employment Equity Officer who is responsible for monitoring the institution's staffing practices and ensuring that appropriate consideration is given to hiring candidates from among the groups designated by the Federal *Employment Equity Act*: Aboriginal peoples, people with disabilities, visible minorities and women.

(b) Skills Training

256. In April 1997, the Province will begin implementing a new Saskatchewan Training Strategy. The strategy seeks to provide Saskatchewan citizens with opportunities to access and participate in training opportunities that will help them develop the skills they require to participate in the labour market. The new training strategy projects an increase in training opportunities by approximately 10 percent from 1995-96. The focus is on keeping training programs accessible and linked to labour market needs, while helping people who face significant barriers to training and employment successfully participate in training programs and access the labour market. In particular, the training strategy will promote a system-wide approach to equity and diversity, including:

- working towards achieving representative participation levels for equity group members in training programs and labour market services through identifying and removing cultural, gender, physical and systemic barriers and implementing special measures and programs for groups that are currently under-represented in the training system;
- implementing and supporting policies and undertaking awareness activities related to sexual and racial harassment; and
- creating a flexible learning system that accommodates learners' needs.

257. Through the JobStart/Future Skills program the Province provides funding to community groups, public training institutions and industry to develop and deliver programs that will lead to

employment for people who currently face significant barriers to employment. An evaluation of the program completed in 1996 found that more than three-quarters of JobStart/Future Skills trainees were still employed after the training. In 1995-96, approximately 28 percent of JobStart/Future Skills participants were Aboriginal people. In 1997, the JobStart/Future Skills program will be expanded under the new Saskatchewan Training Strategy, helping to fund about 2,700 training opportunities annually. Increasing participation levels of Métis and First Nations people facing barriers to employment will continue to be a priority of the program.

258. Saskatchewan is involved in a number of pilot projects (running through to March 1998) under the Canada/Saskatchewan Strategic Initiatives Agreement to test new approaches to providing career services and labour market information and combining work and study. Under the Career Services Strategic Initiative, a partnership involving First Nations and Métis organizations, K-12 and post-secondary education institutions are involved in a pilot project to improve learner and public access to career and labour market services through 30 sites in northern Saskatchewan. A First Nations client tracking system and a Métis employment strategy are pilot projects being developed under the Labour Market Information Strategic Initiative.

259. A number of work-study pilot projects involve Métis and First Nation organizations. Projects include an Aboriginal Health Careers Access project which will provide Grade 12 and medical terminology training to First Nations and Métis people currently receiving social assistance, with a focus on preparation for jobs in Saskatchewan Health Districts or pursuing further health sciences training. Another project provides culturally relevant materials and on-site daycare and counselling services as part of a holistic training program for First Nations and Métis people leading to employment in the hospitality industry.

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## MANITOBA

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### Article 2

260. The Department of Culture, Heritage and Citizenship has developed a Code for a Respectful Workplace and conducted staff workshops on workplace issues. This department also has seminars that address issues of racial discrimination.

261. All civil servants of the provincial government have and are encouraged to participate in staff development and training opportunities that have included such programs as:

- Valuing Diversity
- Respectful Workplace
- Multicultural Communication
- Cross-Cultural Awareness
- Anti-Racism Staff Awareness Events
- Human Rights, Hate on the Internet
- Cultural Values, Beliefs and Traditions of Newcomers

- Ethnocultural Issues in Dispute Resolution
- Native Awareness
- Business Practices and Cultural Approaches Around the World

262. Within the Department of Culture, Heritage and Citizenship, several projects dealing with staff training, cross-cultural awareness, anti-racism and culture-specific training, have been implemented. These include the following:

- Workshops have been conducted for staff on hate on the Internet in the workplace.
- A Code for a Respectful Workplace has been developed and implemented in the Department.
- Staff participated in workshops on cultural values, beliefs and traditions from Eritrea, Ethiopia, Somalia, Central America, the Philippines, East Inoka, Vietnam, Portugal and Poland.
- In collaboration with other government departments, anti-racism training has been implemented and has the support of all departmental Affirmative Action Coordinators in promoting this training opportunity as a way to make the workplace less hostile for designated groups.
- Awareness of the government's Affirmative Action Policy has been raised through lunchtime workshops for staff, and by producing a departmental newsletter distributed to all departmental Affirmative Action Coordinators.
- With the assistance of the Aboriginal community, the process of examining and revising the labelling and documentation of archival material that may use offensive historical terminology has been undertaken.

263. The Department of Culture, Heritage and Citizenship has initiated staff awareness activities in recognition of March 21, the International Day for the Elimination of Racial Discrimination.

264. Other initiatives of the Department of Culture, Heritage and Citizenship include having the staff participate in a Holocaust remembrance project with B'nai Brith.

265. The Corrections and Probation Services branches of the Manitoba Department of Justice have conducted a series of staff workshops and seminars to foster greater cultural awareness and to address issues relating to racial discrimination. This training is mandatory for all current staff of these branches, as well as for new recruits.

266. The Corrections Branch has diversified the cultural activities and services available at provincial correctional facilities. Aboriginal ceremonies, such as sweats and powwows, have been held at facilities. As an alternative to chaplains, elders from Aboriginal communities now

attend at institutions and are available to counsel inmates. Aboriginal cultural and religious awareness ceremonies are available for offenders under Community Corrections supervision.

267. The Community Corrections Branch (Probation Services) of the Manitoba Department of Justice and the Department of Culture, Heritage and Citizenship has developed a new program to address domestic violence from a multicultural perspective. While the previous domestic violence program had input from various communities, it was developed and delivered to all communities by representatives from within the Department. A multicultural domestic violence program addresses the special ethnic, linguistic and cultural needs of domestic violence offenders by providing interpreters who have received training in domestic violence to provide program information in the offender's native language. Enabling communities to meet their own specific needs has resulted in a more culturally aware delivery of programs to address domestic violence.

268. As of March 1998, approximately 6.82 percent of the Manitoba Civil Service was comprised of Aboriginal employees. The long-range goal is to attain 10 percent Aboriginal representation. As part of its commitment to employment equity, the Civil Service Commission undertook to train and develop approximately 200 Aboriginal employees in Recruitment and Selection, (Job) Classification, Career Planning and Pathing, and Training for Trainers.

269. The Manitoba Civil Service Commission has also initiated new programs such as the Aboriginal Management Development Program and the Aboriginal Public Administration Program. Both programs will provide enhanced opportunities for Aboriginal people to work in government.

270. The Manitoba Civil Service Commission offers ongoing education and training on equity and in managing diversity in the workplace. Some of the course offerings are "Walk a Mile in My Moccasins" and "Interviewing Aboriginal People and Undoing Racism."

271. The Manitoba Civil Service Commission continues to build the Aboriginal support system. The Aboriginal Advisory Council was established in 1990 and is comprised of Aboriginal government employees representing all regions of Manitoba. It acts as an advisory body and makes recommendations in a variety of areas, including how to improve Aboriginal representation in government and how to eliminate systemic barriers to Aboriginal participation.

272. The Aboriginal Advisory Council has facilitated Aboriginal Awareness workshops and made presentations to government departments and agencies on Aboriginal issues.

273. The *Human Rights Code* (Manitoba) prohibits discrimination on the basis of ancestry, race, colour, nationality, ethnic or national origin, and other grounds. It also protects persons from harassment based on all group factors in those activities to which the Code applies (principally employment, housing and public services).

274. In 1995, there were 42 complaints (25 percent) made on the basis of race and colour, and 13 complaints (8 percent) made on the basis of nationality or ethnic or national origin, for a total of 25 complaints (or 33 percent of total complaints filed). In 1996, 33 complaints (15 percent)

were made on the basis of race and colour, 4 complaints (2 percent) were made on the basis of nationality or ethnic or national origin, for a total of 37 complaints (17 percent of total complaints filed). In 1997, there were 33 complaints (13 percent) made on the basis of race and colour and 8 complaints (3 percent ) made on the basis of nationality or ethnic or national origin, for a total of 41 complaints (16 percent of total complaints filed). The majority of complaints continue to be in the area of employment.

275. The Manitoba Human Rights Commission in 1997 initiated a pre-complaint program in order to deal with possible complaints in an expeditious manner to bring resolution early on in the process. In 1997, 6 complaints based on race and colour and one complaint on nationality, ethnic or national origin were dealt with and resolved.

276. Activities and projects of the Manitoba Human Rights Commission that have been ongoing since April 1995, include the following:

- Training is provided for Commission staff and Commissioners to increase understanding of human rights issues.
- Each year, the Commission is joined by the Winnipeg Press Club and the Community Legal Education Association in presenting awards for excellence in reporting human rights issues.
- The Commission has a number of educational videos addressing various issues dealing with the protective grounds set out in the *Human Rights Code*, which are available for public loan.
- One focus project that was undertaken and completed dealt with advancing the equality of opportunity in employment of persons with disabilities. A publication entitled *Accommodating Equality: Reasonable Accommodation Guidelines* was published.

277. The Manitoba Human Rights Commission was host of the 1995 Canadian Association of Statutory Human Rights Agencies (CASHRA) Annual Conference. The Commission conducted a number of workshops and presentations that examined hatred in Canada and the role of statutory human rights agencies in responding to it.

278. The following are additional initiatives undertaken by the Manitoba Human Rights Commission since 1995:

- establishing a bilingual Web site to supplement the traditional distribution of publications and information for public education;
- developing a newsletter entitled *Human Rights for Manitoba*. This newsletter is being distributed on a quarterly basis to 1,500 firms, organizations and individuals throughout Manitoba;

- participating in an Aboriginal Community Rights Advocates Training Program in partnership with the Canadian Human Rights Commission, the Manitoba Association for Rights and Liberties, and Aboriginal Legal Services of Winnipeg. In January 1998, four interns began receiving on-the-job and theoretical training as they rotated throughout the partnership agencies;
- developing a Case Management Database enabling the Commission to target specific groups in a risk assessment process to maximize public education resources;
- developing a Human Rights Advocacy Course to assist individuals working in community groups where they are likely to be affected by potential human rights issues;
- collaborating with the Canadian Human Rights Commission and community groups in producing an anti-hate poster and game.

279. The Manitoba Human Rights Commission will be implementing training workshops for employers on topics including eradicating bias and discrimination in the workplace.

280. The Winnipeg Safe City Committee of the City of Winnipeg, with the participation of the Winnipeg Police Hate Crimes Unit, has produced and distributed two pamphlets, *Stopping Hate-Motivated Violence* and *Homophobia and Homophobic Violence*, as part of an information series on hate-motivated violence; they are still in circulation.

#### **Article 4**

281. The City of Winnipeg Police Service has a Hate-Crimes Unit. A number of investigations have been undertaken in relation to hate propaganda and have resulted in some charges being laid.

282. The Winnipeg Police Service has also undertaken other initiatives. For example:

- As part of the police training, all new recruits are subject to half-day training regarding the various aspects of hate crimes.
- Members from the Winnipeg Police Hate Crimes Unit and/or Community Relations lecture on hate crimes at various high-school and university levels.
- Members of the Winnipeg Police Hate Crimes Unit have worked together with members of B'nai Brith and attended various conferences dealing with hate crimes.

#### **Article 5**

283. Legal Aid of Manitoba has expanded its Northern Paralegal Aboriginal Project by having the Aboriginal paralegals as a permanent part of its programs in Dauphin, The Pas and

Thompson. The program aims to increase access to the justice system for Aboriginal people who reside in four remote northern communities.

284. Legal Aid of Manitoba has established the Aboriginal Centre Law Office in Winnipeg. This Office consists of two lawyers, two paralegals and a secretary. All staff (except one lawyer) are Aboriginal. The mandate of this office is to work together with Ganootamaage in seeking alternatives to the traditional court process and to respond to legal issues unique to Aboriginals in the urban context. This office will take on cases relating to Aboriginal rights as well as assist individuals who have problems relating to social attitudes to this minority group.

## Article 7

285. The Manitoba Department of Education and Training has taken curriculum initiatives for Kindergarten to Senior 4 schools which include a focus on the integration of multicultural/anti-racism instructional strategies, as well as gender fairness, Aboriginal perspectives, and appropriate age portrayals. Ensuring that these elements are reflected in curricula for all subject areas helps to promote an inclusive education system in the province.

286. New curricula have been developed from a collaborative interjurisdictional project under the Western Canadian and Pan-Canadian protocols. The general agreement about the importance of curricula is that they address the diversity of Canadian and world communities, challenge discrimination, and support a fair and equitable society. Currently, Manitoba Education and Training is a partner in a Western Canadian Protocol project to develop a common curriculum framework for social studies. The composition of the project team, which includes Aboriginal and Francophone representatives from each of the western provinces and northern territories, ensures that this framework also will play a key role in strengthening students' knowledge of the issues related to discrimination, and in developing positive attitudes, skills and behaviours to challenge it.

287. Manitoba Education and Training has identified Aboriginal education and training as a priority and is taking steps to ensure that its policy of inclusion is being applied to Aboriginal education and training in all areas of the Department, which includes Kindergarten to Senior 4, training and post-secondary education. The goals of the Aboriginal Education and Training Strategy are: to strengthen partnerships with the Aboriginal community and other stakeholders; to increase the graduation rate of Aboriginal students; and to increase the labour market participation of Aboriginal people. Other initiatives are:

- An Aboriginal Education Curriculum Steering Committee advises and assists the Department of Education and Training in the development and integration of Aboriginal perspectives into the curriculum.
- Staff development activities for the Program Implementation Branch have focussed on increasing the awareness and knowledge of all staff with regard to Aboriginal education and effective strategies for increasing student success.

- The Department co-sponsors with the University of Winnipeg, University of Manitoba, Red River Community College, and the Winnipeg School Division No.1, a Summer Institute on Aboriginal Education.

288. Within Manitoba Education and Training's policy and support documents, an emphasis on gender equality, anti-racist/multiculturalism, Aboriginal perspectives, inclusivity and equity are stressed.

289. Support documents such as Native studies provide Aboriginal students and others an opportunity to learn about Aboriginal peoples and culture.

290. Employment and Training Services Branch (ETS) provides a large number of programs and services to meet the diverse needs of its clients, such as:

- services to individuals with foreign credentials who have had difficulty achieving employment in their profession or trade in Manitoba;
- several programs designed to assist minority/immigrant groups, women and Aboriginal people to achieve sustainable employment;
- program elements that include language training, academic upgrading, technical skills upgrading, workplace experience, on-the-job training, counselling services and assistance with direct placement with specific employers.

291. Manitoba Education and Training Services also uses the following programs to help educate on multicultural and anti-racism initiatives:

- through collaboration with other western Canadian provinces, development of common curriculum frameworks for Aboriginal Language and Culture programming and for Heritage/International Languages;
- the formation of partnerships with anti-racist community-based groups. Currently, the Department collaborates with the Manitoba Chapter of the United Nations Association, the Manitoba Association for Multicultural Education, and the Coalition for Human Equality;
- the Multicultural Education Consultant of the Program Implementation Branch works within the Department and in the field to support the implementation of multicultural and anti-racism education initiatives.

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## ONTARIO

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292. Pursuant to Article 9 of the Convention, this report sets out the legislative, judicial and administrative policies, programs and activities of the Government of Ontario conducted between June 1993 and May 1997 in accordance with the objectives of the *International Convention on the Elimination of All Forms of Racial Discrimination*. This information updates the material found in Ontario's contribution to Canada's twelfth report.

### General

293. Ontario is committed to strong enforcement of the *Human Rights Code*, which provides every person the right to equal treatment with respect to goods, services and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed and other grounds. The Ontario Human Rights Commission is the agency under the authority of the *Human Rights Code* to enforce the right to freedom from racial discrimination.

294. In 1995, the Government of Ontario repealed the *Employment Equity Act*, which was based on discriminatory job quotas, and brought in the Equal Opportunity Plan. The Plan is based on the *Human Rights Code*'s prohibition against discrimination. The Plan embodies four basic principles:

- All individuals should be treated with dignity and respect.
- Action should be taken to eliminate discrimination and harassment.
- Barriers that prevent equal opportunity should be identified and removed.
- Employment decisions should be made on the basis of individual merit and ability.

295. The Equal Opportunity Plan includes a range of components, for example, measures to improve access to professions and trades for those trained and educated outside Canada. This includes working with professional regulatory bodies to develop models to assess and recognize foreign qualifications.

296. In 1996, the Commission launched its Web site and revised and updated its interpretative Guidelines on Special Programs (to reflect the government's approach to equal opportunity).

297. All government ministries and agencies must take steps to comply with the Ontario Public Service Workplace Discrimination and Harassment Prevention Policy.

### Article 2

#### Prohibition against Discrimination

298. In 1993-94, the Ontario Human Rights Commission received a total of 2,286 complaints. Discrimination based on race and related grounds (colour, ancestry, place of origin and ethnic

origin) accounted for 24 percent of these complaints. For subsequent years, the percentage of race-based complaints were as follows: 1994-95: 26 percent of 2,452 complaints; 1995-96: 23 percent of 2,560 complaints; and 1996-97: 25 percent of 1,916 complaints.

299. The Commission released two new policies in 1996: one on racial slurs and jokes, and one on language—recognizing that a person’s language or the way they speak may be closely related to prohibited grounds of discrimination, such as race, colour, ancestry, place of origin and ethnic origin.

300. The Commission took steps internally, including issuing guidelines to staff on dealing with race cases from intake to board hearing; developing research tools to assist human rights officers investigating complaints based on race; and providing staff training on how to deal with race-based complaints.

301. The Board of Inquiry continues to adjudicate complaints of discrimination referred to it by the Commission. Two examples are provided here: (a) in the case of *Angecone* (1993), the Board found that people of native ancestry were routinely assigned to rooms that were substandard at a particular inn and awarded the complainant \$2,500 in damages; (b) in the case of *Naraine* (1997), the Board held that name-calling and graffiti should be recognized as inherently destructive to racial equality in the workplace.

302. The Ministry of the Attorney General developed and implemented a Youth Peer Justice Education Project, a program training racial minority high-school students to conduct peer education on youth and justice-related issues.

303. The Commission on Systemic Racism in the Ontario Criminal Justice System released its final report in 1996. Ministries took actions to respond to the reports’ recommendations. For example:

- Through a joint Ministry of the Solicitor General and Ministry of Correctional Services initiative, officials working with or for the Ontario Provincial Police received training on addressing discrimination.
- The Office of the Anti-Racism Coordinator was established in the Correctional Services Division and in the Ontario Provincial Police to develop policies and review programs and services to prevent and eliminate racial discrimination.
- The Ontario Provincial Police established an Anti-Racism Advisory Team in 1997 to eliminate racial discrimination in all areas of police operation.
- The Ministry of Citizenship, Culture and Recreation worked with communities on innovative youth leadership programs, public education, coalition-building, reducing hate propaganda and activities, and community economic development. Funding was provided to over 200 community organizations over a two-year period.

304. The Ministry of the Attorney General, through the Ontario Legal Aid Plan, began funding the African-Canadian Legal Clinic. The Clinic litigates test cases aimed at eliminating race discrimination from laws and legal decision-making.

305. The Ministry of Citizenship, Culture and Recreation continued to exercise leadership in helping Ontario residents of all races and cultures participate in the social, economic and cultural life of the province by, for example:

- promoting access to professions and trades for individuals educated and trained outside of Ontario;
- supporting groups to preserve their heritage and supporting arts and cultural organizations and libraries, including funding specifically for First Nations;
- funding diverse sports and recreation organizations and providing them with guidelines and tools to prevent and eliminate discrimination and harassment.

306. The Ministry of Community and Social Services' Child and Family Services Advocacy Office hired advocates to work with people from diverse cultures, conducted an extensive needs assessment of cultural groups across Ontario, and developed guidelines to monitor and address cultural insensitivity and discrimination. The Ministry also implemented diversity training for staff involved in the delivery of social assistance and secure custody/secure detention facilities.

307. A joint committee of the Ministry of Health and the Ontario Hospital Association established a task force to implement organizational change in the hospital sector to prevent and eliminate discrimination.

308. In March 1997, the ministries of the Solicitor General and Correctional Services signed an agreement with the bargaining unit to implement a Systemic Change Program to eliminate workplace discrimination and harassment in the Correctional Services Division. The recruitment processes for both correctional officers and police officers identify sensitivity to diversity as a core competency in screening applicants. Anti-discrimination and harassment training is a standard component of basic training for police officers and correctional staff. New police recruits are also trained to deal effectively with hate crime.

309. The Chief Coroner's Office has trained the most senior coroners in the process of identifying and addressing issues involving systemic discrimination.

310. The Ontario Women's Directorate undertook a variety of initiatives to prevent and combat discrimination, including:

- coordinating the Province of Ontario Violence Against Women Prevention Initiatives, which included expanding counselling services for assaulted women from racial minority communities and providing interpreter services to assaulted non-English and non-French-speaking women;

- working in partnership with the African Heritage Educators' Network to develop a publication examining the barriers facing young African-Canadian women and demonstrating how mentoring can help alleviate them;
- introducing a new Priority Project Funding Program (1996) to provide grants to community organizations for innovative projects that address community safety, violence prevention and economic self-sufficiency. A number of groups have received funding under the grants program to address the needs of women from diverse ethnoracial communities.

311. Ministries and government agencies continued to support the corporate principles outlined in the Aboriginal Policy Framework (1996). These include Ontario's constitutional and legal obligations in respect of Aboriginal people, recognition of the special relationship with Aboriginal people, cost-effective service delivery, openness and accountability, and promotion of Aboriginal self-reliance through economic and community development.

312. The Government is completing negotiations on 16 Aboriginal land claims under discussion, while implementing 8 final settlement agreements in principle already reached on other claims (the most progress on land claims in a decade).

313. The \$49 million Aboriginal Healing and Wellness Strategy was established to provide an integrated and holistic response to social and health issues in Aboriginal communities, including family violence, ill health and access to health services. The Strategy was developed after intensive consultation with all major Aboriginal and First Nations organizations in Ontario, and is being implemented jointly by 4 ministries (Health, Community and Social Services, the Ontario Women's Directorate, and the Ontario Native Affairs Secretariat) and 11 Aboriginal organizations representing people living both on- and off-reserve. The Strategy was cited as a model for other jurisdictions in the Report of the Royal Commission on Aboriginal Peoples.

314. The Ministry of the Attorney General developed programs to improve access to the justice system by Aboriginal people, and to provide alternatives within the current system to promote Aboriginal community control over justice issues.

315. In accordance with the Ontario First Nations Policing Agreement, the Ministry of the Solicitor General maintained eight agreements authorizing expanded First Nation self-responsibility in policing. Seven agreements are administered by First Nations communities. Two pre-charge diversion programs in First Nations communities with policy support are helping to keep Aboriginal people out of the formal justice system for minor offences.

316. The Ministry of Economic Development and Trade created the position of Coordinator, Aboriginal Affairs (1997) to promote Aboriginal economic development.

317. The Ministry of Health's AIDS Bureau currently provides \$1 million in funding to address the incidence of HIV/AIDS in Aboriginal communities. An HIV/AIDS strategy for Aboriginal people off-reserve is in its fourth year of implementation.

318. The Ministry of Community and Social Services' policy framework for restructuring social services included directives pertaining to the inclusion of Aboriginal communities in local planning.

319. The Ministry of Citizenship, Culture and Recreation worked with Aboriginal provincial and territorial organizations to implement Aboriginal management and delivery of the Ontario Aboriginal Economic Development Program.

#### **Article 4**

##### Hate Activities

320. The Ontario Human Rights Commission passed a resolution to reaffirm its efforts to eliminate hate-motivated activities through public education and community partnerships. The Chief Commissioner met with human rights groups to discuss both judicial and non-judicial solutions to hate crimes and also met with police services to share information and strategies to deal with incidents of racially-motivated hate activities among students. In 1997, the Chief Commissioner, in his capacity as President of the Canadian Association of Statutory Human Rights Agencies, sent a letter to the Prime Minister and provincial Premiers in support of the Canadian Human Rights Commission's efforts to use human rights laws to shut down hate on the Internet.

321. During the reporting period, the Ministry of the Attorney General undertook a number of initiatives to address hate-motivated crime, including issuing a Crown directive for sentencing submissions regarding hate-motivated offences and designating specialist Crown Attorneys in Toronto and Ottawa for hate offences.

322. The Ministry, with the Ontario Provincial Police, took part in public outreach programs to eliminate racial discrimination and hate propaganda. A grant was established to provide funding to multicultural community groups helping victims.

#### **Article 7**

##### Education

323. As of May 1995, Ontario school boards are required to develop policies and five-year implementation plans to promote equal opportunity. In addition, the Violence-Free Schools Policy requires that school boards' violence prevention policies address equal opportunity issues, including intimidation and discrimination based on ethnocultural, religious, or linguistic differences.

324. In 1995, the Ontario Human Rights Commission published a new educational tool, entitled *Teaching Human Rights in Ontario*, to assist secondary school teachers in introducing students to human rights.

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## QUÉBEC

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325. This report describes the action taken by the Government of Québec in application of the Convention. It completes, to March 31, 1997, the information found in the previous reports.

### General

326. The general legal framework prohibiting racial discrimination in Québec is laid down in the Québec *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12). The details have been presented in earlier reports (see in particular the fourth, fifth, sixth, seventh and twelfth reports).

327. Legal protection of human rights and freedoms is also based on provisions of the Civil Code, which constitutes the *jus commune* of Québec. The new *Civil Code of Québec*, which came into force on January 1, 1994, governs persons, relations between persons, and property “in harmony with the *Charter of Human Rights and Freedoms*.”

328. At the institutional level, on November 29, 1995, the *Act respecting the Commission des droits de la personne et des droits de la jeunesse* (S.Q. 1995, c. 27) came into force.

329. This act creates a new body, the Commission des droits de la personne et des droits de la jeunesse (Commission for human rights and youth rights). This body has a dual mandate: to promote and uphold, by every appropriate means, the principles of the *Charter of Human Rights and Freedoms*, on the one hand, and the rights of children and adolescents under the *Youth Protection Act*,<sup>3</sup> on the other hand. The quasi-constitutional nature, normative content and means of intervention specific to the Charter<sup>4</sup> remain, however, unchanged.

330. Administratively, the Commission reports to the Minister of Relations with Citizens and Immigration (Relations avec les citoyens et de l’immigration). The Minister of Justice continues to be responsible for the application of the substantive provisions of the Charter.<sup>5</sup>

331. In the area of immigration, the following data update those supplied in paragraph 188 of the twelfth report. For the years 1993 and 1994 respectively, Québec received 44,927 and 27,102 immigrants, who came from the following main geographical regions:

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<sup>3</sup> R.S.Q., c. P-34.1.

<sup>4</sup> See the fourth, fifth, sixth, seventh and twelfth reports.

<sup>5</sup> Section 138 of the Charter.

<b>Regions of origin</b>	<b>1993 %</b>	<b>1994 %</b>
Africa	11%	12%
Americas	20%	18%
Asia	49%	45%
Europe	19%	24%
Oceania Other countries	0.2%	0.2%

332. The plurality of Québec society is expressed, notably, by its ethnic and cultural diversity. Immigration contributes to the demographic development of Québec and constitutes a resource for Québec society. According to the latest census data from Statistics Canada (1991), 16 percent of the population of Québec reported origins other than French, British, Aboriginal or Canadian. This diversification exists within a population that is strongly homogeneous, as 75 percent of the Québec population reported being of French origin, and is most concentrated in the metropolitan Montréal area, where 30 percent of the census respondents reported being of “other” origin. This represents 88 percent of the total immigrant population of Québec.

333. The communities created by earlier waves of immigration remain the largest. These are the Italian (more than 225,000), Jewish (nearly 100,000), German (90,000), Greek (56,000), Portuguese and Polish communities (more than 40,000). Some communities doubled their numbers between 1986 and 1991: Lebanese (38,000), Haitian (41,000) and Latin American (36,000). The Chinese, South Asian and Western Asian communities grew by more than 50 percent. Smaller communities also grew significantly: English-speaking West Indian, Filipino and Korean.

334. In general, the Québec population remains open to immigration and interethnic cohabitation is fairly harmonious. However, there are various indications that the representation and participation of members of the cultural communities in Québec society could be increased and their contributions better recognized. The various facets of exclusion may feed differentialism, particularities and the inability to see themselves represented in community institutions. Conversely, those who participate fully in the socio-economic life of the community develop a sense of inclusion and involvement. It is necessary to preserve the democratic principle of equality and seek to promote the participation and full and complete integration of all members of society.

335. Mainly through the adoption and implementation of a series of measures such as programs, studies and interventions, aimed essentially at intercultural rapprochement and integration of immigrants, the Department of Relations with Citizens and Immigration (Ministère

des Relations avec les citoyens et de l'Immigration) is combatting the prejudices that are frequently at the root of various forms of racial discrimination. The Department is also looking at the phenomena of discrimination affecting the younger generations of immigrant families.

## Article 2

336. The Department of Relations with Citizens and Immigration is responsible for promoting understanding and respect for rights and freedoms, and furthering equality between persons and their participation in community life and the development of society. It seeks to facilitate dialogue and exchange between Quebecers of all origins, in order to promote openness to pluralism and intercultural rapprochement. It also plays a role in the integration of immigrants into Québec society and supports, to promote the development of harmonious relations between communities, initiatives from both immigrants themselves and the receiving society.

337. Objectives: Based on the *Énoncé de politique en matière d'immigration et d'intégration* [Immigration and integration policy statement] which was published in 1990, and the related four-year action plan (see paragraphs 185-186 of the twelfth report), the Department has pursued, since 1993, the following objectives in the area of intercultural relations:

- supporting adaptation of public, parapublic and private institutions to the pluralist reality;
- developing knowledge and understanding of Québec society among immigrants and Quebecers from the cultural communities;
- having the entire population share recognition of the pluralist reality;
- supporting rapprochement between immigrants and the Francophone majority and resolving intercommunity tensions.

338. Programs: The intervention of community organizations with immigrants is largely supported by the implementation of various programs aimed at promoting integration, adaptation and intercultural rapprochement:

- the Programme d'accueil et d'établissement des immigrants (PAEI) [Immigrant reception and settlement program] which allows community organizations to offer reception and assistance services to newcomers and help them get settled;
- the Programme de rapprochement interculturel (PRI) [Intercultural rapprochement program] which provides financial assistance to community organizations carrying out projects, services or activities that promote the development of harmonious relations between persons of all origins;
- the Programme d'aide aux organisations (PAO) [Assistance to organizations program] which provides financial support to organizations carrying out intervention, training and information projects that contribute to greater adaptation to the pluralist reality of Québec;
- the Programme de soutien à l'insertion en emploi (PSIE) [Job entry support program] which allows community organizations to offer job entry services adapted to the needs of new immigrants.

339. Institutional support: In this area, and with financial assistance from the *Fonds d'initiative* fund set up in 1991, the Department maintained its support to government departments and agencies by supporting projects to promote attitudes favourable to immigration and ethnic, racial and cultural diversity (see paragraph 186 of the twelfth report). It also continued to support and coordinate the action of the network of departmental respondents established in 1989.

340. Documents and studies: To develop recognition of the pluralist reality among the general public, the Department produced profiles of immigration in the Outaouais, Québec, Mauricie-Bois-Francs and Estrie regions, studies on interethnic cohabitation and neighbourhood life and on the location of immigrant, ethnocultural and linguistic populations in the metropolitan Montréal area, and monographs on certain communities. Studies designed to provide the Department with information on managing cultural and religious diversity were also undertaken.

341. In addition, and to get a better idea of the conditions conducive to the rapprochement of cultural communities and of immigrants with the receiving society, a number of studies were conducted on issues relating to the development of harmonious intercultural relations: status of racial and intercultural relations; mechanisms of intercultural cohabitation and dynamics of social relationships; bases and elements of how members of cultural communities go about identifying with Québec society.

342. The Department also launched two studies more directly concerned with the effects of discrimination in Québec society: a study by the Centre d'études ethniques of the Université de Montréal entitled *Le racisme au Québec: éléments d'un diagnostic* (March 1996) [Racism in Québec: elements of a diagnosis]; and another by Saba Communications, published as *L'emploi des jeunes: un enjeu de société* [Youth employment: a social issue].

343. Co-operation and partnership: the Department worked with the federal government (Canadian Heritage) and the City of Montréal on establishing the Year of Montréal en harmonie [Montréal in harmony]. It was also involved with organizations of Quebecers of Haitian origin to promote the integration of youth from that community. In cooperation with representatives from the Black community, the City of Montréal and the Montréal Urban Community, the Department also provided technical and financial support for the Consultation and Coordination Committee of the English-speaking Black community, whose aim is to promote better socio-economic integration of this community and its full participation in Québec society.

344. In cooperation with the Chamber of Commerce of Metropolitan Montréal, a program of business internships was carried out for members of cultural communities experiencing major difficulties entering the labour market. In the same vein, the Department developed and implemented a pilot project to help strengthen community structures in the English-speaking Black community, aimed at alleviating the difficult socio-economic situation or discrimination to which its members may be subject. As well, a grant was made to the Mathieu da Costa Business Development Corporation to support the start-up of its regular activities and bolster efforts at empowerment by Black communities in Québec.

345. Finally, in light of the issues raised by cultural and religious pluralism, some departments (Education, Employment, Health and Social Services, Justice, Public Security, Relations with Citizens and Immigration) and the Status of Women Secretariat (Secrétariat à la condition féminine) undertook work aimed at clarifying a number of areas of concern, on the basis of their experience, and identifying joint avenues of approach for managing cultural and religious diversity.

346. The Department of Education (Ministère de l'Éducation) is currently working on developing a policy on integration and cross-cultural education which sets out the directions and specific paths of action for elementary and secondary education, while taking into account possible spinoffs for college education.

347. Following the adoption, in June 1991, of an action plan for correctional clients from the cultural communities, the Department of Public Security (Ministère de la Sécurité publique) instituted various measures regarding the inmate population under its responsibility. In February 1993, a study was conducted on the needs and difficulties of correctional workers and of clients from the cultural communities. This study led to the establishment, in 1994, of an awareness program, to be completed in 1997. However, given the financial resources available, the Department had to extend the program implementation period and it plans to complete this training sometime in 1998. Correctional workers trained in 1994 are, however, continuing to lead awareness activities during thematic days.

348. With regard to Aboriginal justiciables, the Department of Public Security also, in June 1993, adopted a policy statement calling for community involvement in managing programs and services, re-entry into the community, and keeping offenders as close as possible to their community of origin.

349. With respect to the administration of justice among the Inuit and in cooperation with government partners, the Department of Public Security proposed, in July 1994, the adoption of a model adapted to northern realities. After these proposals were tabled, discussions took place between Inuit representatives and departmental officials, and a committee was struck to produce a work plan for improving correctional infrastructures and services in Nunavik. In July 1996, the Department announced a series of measures to be taken to meet the needs of Inuit communities as quickly and as adequately as possible. For example, the Kativik Regional Government has hired two Inuit officers to work in the area of re-entry into the community. Under the guidance of probation officers, they will be able to assist in the supervision of offenders in their community. Of the seven measures announced, five have been implemented. The other two are scheduled to be implemented during 1998.

350. The Sûreté du Québec [Québec police force] maintained its efforts to develop close ties with the various elements of the population: updating of the Sûreté's philosophy; a new policy on community relations; a new client service training program in the context of the social diversity of Québec; introduction of the concept of "neighbourhood police" which encourages closer relations with all citizens; two summer employment projects for trainees from cultural communities and Aboriginal communities (28 participants in total); organization of intercultural

rapprochement activities in connection with the International Day for the Elimination of Racial Discrimination from 1994 to 1997; participation in awareness and rapprochement activities of community organizations working with cultural communities in connection with the Semaine interculturelle nationale [National cross-cultural week] from 1994 to 1996; and finally, pairing of Sûreté du Québec police officers with families from Québec's cultural communities in January 1995.

351. In accordance with its mandate, the Commission des droits de la personne et des droits de la jeunesse investigated, during the period covered by this report, allegations of discrimination based on race, colour, or ethnic or national origin. For the years 1993 and 1994, a total of 233 new files were opened in this regard, or about 15 percent of all investigation files opened by the Commission<sup>6</sup>. By sector of activity, these 233 files are distributed as follows:

SECTOR	NUMBER OF FILES OPENED
Employment	144
Accommodation	32
Access to goods and services	20
Access to transportation	15
Other	22
<b>TOTAL</b>	<b>233</b>

352. In the employment sector, the largest number of complaints the Commission receives concern hiring, dismissal and conditions of employment. During the same period, the Commission opened 42 files concerning allegations of racial harassment or of harassment based on ethnic or national origin (about 13 percent of all harassment files). Twenty-two of these files concerned employment, and 10 concerned accommodation.

353. The Commission brought 66 actions before the Human Rights Tribunal in 1993 and 1994. Six of these alleged either a situation of discrimination based on race, colour, or ethnic or national origin, or a situation of racial harassment. Settlements were negotiated in 6 actions before trial, or after the Commission proposed redress measures to the parties.

354. For the years 1995 and 1996, a total of 278 new files were opened in this regard, or about 16 percent of all investigation files opened by the Commission.<sup>7</sup> By sector of activity, these files are distributed as follows:

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<sup>6</sup> Figures obtained by consolidating data contained in the annual reports of the Commission for the years 1993 and 1994.

<sup>7</sup> Sources: 1995 annual report and statistics from the Investigations Directorate for 1996 (there figures were consolidated for the purposes of this report).

SECTOR	NUMBER OF FILES OPENED
Employment	153
Accommodation	56
Access to goods and services	47
Access to transportation	21
Other	1
<b>TOTAL</b>	<b>278</b>

355. The Commission brought 70 actions before the Human Rights Tribunal in 1995 and 1996. Four of these alleged either a situation of discrimination based on race, colour, or ethnic or national origin, or a situation of racial harassment. Settlements were negotiated in 4 actions before trial.

356. Discrimination against Aboriginal peoples is a major concern for the Commission, as it is for the Committee.<sup>8</sup> The Commission presented in this regard, in November 1993, a brief at the public hearings of the Royal Commission on Aboriginal People. Its recommendations included acknowledgement of the historic and systemic discrimination against Aboriginal populations, which should underlie the policies and economic and other measures taken by governments to redress the situation.

357. In 1994, problems relating to the prohibition on wearing the Islamic women's head covering (*hidjab*) in some schools were brought to the Commission's attention. In an issues paper entitled *Le pluralisme religieux au Québec: un défi d'éthique sociale* [Religious pluralism in Québec: a challenge for social ethics], the Commission noted the danger of "ethnicizing" these kinds of religious conflicts and indicated that prohibiting the *hidjab* in public schools constitutes a form of discrimination based on religion in the exercise of a right guaranteed by the *Charter of Human Rights and Freedoms*, namely, the right to free public education.

358. Regarding the special measures in paragraph (2) of Article 2 of the Convention, in 1994 the oversight committee charged by the Commission with ensuring follow-up of the recommendations in the *Rapport d'enquête sur les relations entre les corps policiers et les minorités visibles et ethniques*<sup>9</sup> [Investigation report on relations between police forces and visible and ethnic minorities] prepared a final report on its activities. This report notes some progress made in the training of police officers, control mechanisms for the code of ethics, and community relations, but some programs or measures have yet to be evaluated. With regard to recruitment and hiring, while the report notes the rigour and professionalism with which the Montréal Urban Community's police force has introduced and is implementing its equal opportunity program, it also deplores the fact that, with a lone exception, the other municipalities

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<sup>8</sup> See the comments made by the Committee following review of the eleventh and twelfth reports of Canada (paragraphs 3, 6, 7 and 10).

<sup>9</sup> See the tenth report of Canada.

covered in the report have not seen fit to adopt such a program. Implementation of the program is continuing and, for the period 1995-1997, the Commission was able to observe<sup>10</sup> that the entrance objectives set for the four target groups were, except for one institution, reasonably met. Preferential entrance and the ultimate goals of the program are thus maintained.

359. The contractual obligation program<sup>11</sup> is continuing, even though this type of measure always has room for improvement. At present, 140 businesses that do business with the government are setting up equal opportunity programs. These businesses have met their commitments and have implemented preferential recruitment measures which, generally speaking, have corrected the under-representation of the target groups in the composition of their workforce. They have also taken corrective action regarding their human resources management system, thus eliminating rules and practices that had discriminatory effects.

360. In addition to the programs in effect in the employment sector, two projects were carried out in the education sector. The first facilitates access by Aborigines to law studies at Université Laval. The second aims to increase the representation of various groups among police science students: 11.25 percent for members of ethnocultural minorities, 7.3 percent for members of visible minorities, and 1.2 percent for Aborigines.

#### Article 4

361. Concerned by the existence of some racist organizations, the Commission des droits de la personne et des droits de la jeunesse analysed the relevant provisions of the *Charter of Human Rights and Freedoms*. The Commission first sought to circumscribe the scope of the Charter's current provisions. Thus, in a document submitted for public consideration early in 1994,<sup>12</sup> the scope and limits of the fundamental freedoms of expression, association, peaceful assembly and opinion guaranteed by the Charter were analysed.

362. This culminated, on Human Rights Day, December 10, 1994, in the publication of the *Déclaration sur les mouvements racistes et l'incitation à la discrimination* [Declaration on racist movements and incitement to discrimination]. In this document, the Commission notes that the aims, activities and methods of racist movements are contrary to the ideals enshrined in the Charter. The exercise of fundamental freedoms must maintain a proper regard for democratic values, public order and the general well-being. The Commission therefore considers that it would betray its mandate if, on the one hand, it strove to achieve the ideal of equality and, on the other, it took up the defence of movements which, citing fundamental freedoms, attack the rights and freedoms of others.

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<sup>10</sup> 1995 annual report, p. 48.

<sup>11</sup> See the tenth report of Canada.

<sup>12</sup> *Les mouvements racistes et la Charte* [Racist movements and the Charter], January 7, 1994, COM-302-6.2.1.

363. The Commission was pleased to learn of the decision handed down by the Québec Press Council following a complaint it made against a weekly newspaper.<sup>13</sup> As the Commission wished, the Press Council set out the rules of journalistic ethics and social responsibility that the media must follow when addressing issues likely to expose a racial or ethnic group to discrimination or violence. According to the Council, whose decisions have only moral value, the media must avoid arousing or cultivating racial prejudices through sensationalism, insinuations, exaggerations or generalizations. In the case in question, the Council felt it was dealing with a particularly deficient piece of journalism, and severely criticized the weekly and two of its journalists.

## Article 5

364. According to the *Education Act*, every person, without distinction, who lives in Québec is entitled to the educational services of preschool developmental and cognitive learning services and elementary and secondary school instructional services. In application of this Act, a teacher at the elementary and secondary level is required to “take the appropriate means to foster respect for human rights in his students” and “act in a just and impartial manner in his dealing with his students”. To help teachers fulfill these obligations, since 1991, the Minister of Education has included acquisition of the following skill among the educational standards for teachers: “the ability to detect and combat the various forms of discrimination, including those based on sex, race, religion or a handicap,” as stated in paragraph 208 of the twelfth report.

365. On December 20, 1994, the Minister of Public Security tabled in the National Assembly a bill to amend the *Police Act* by adding a new section on the establishment or maintenance, under an agreement, of Native police forces for these communities. In May 1997, the Department of Public Security had signed 17 agreements creating police forces for 49 Aboriginal communities. This process of signing agreements will eventually enable the Aboriginal communities to take over for themselves the application of laws in the territories covered by the agreements.

366. In accordance with the action plan of the Montréal Urban Community, which was welcomed by the Department of Public Security, three measures were taken during the period:

- The Montréal Urban Community’s police force developed and carried out, in collaboration with the ethnic and cultural communities, retraining and development activities for active police officers. These included training, activities in intercultural initiation and community integration, attendance at a course on multiculturalism, and activities involving COFI [the immigrant orientation and training centre]. Also, staff members who wish to take university-level studies on the phenomenon of cultural diversity are reimbursed for up to 80 percent of their course fees.

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<sup>13</sup> Decision 92-09-39 (Commission des droits de la personne du Québec v. Photo-Police). The complaint related to a series of articles purporting to describe the problem of criminality in Montréal’s Black community.

- In terms of personnel selection, interviews were adapted to bring out the openness of candidates to multiethnic realities, to work in a multiracial milieu and knowledge of human rights and freedoms. Moreover, promotion competitions take into account the candidates' sensitivity to multiculturalism
- A human rights promotional campaign was carried out in all district management committees. An administrative procedure serves as a guide to help police officers having difficulty dealing with cultural diversity. Also, internal discipline and the code of ethics curb derogatory behaviours.

367. Finally, a policy to encourage hiring of Aboriginal personnel was established in the northern sector by adding hiring criteria such as knowledge of the language.

368. With regard to the right to health, medical care and social services, amendments made in 1993 to the *Act respecting health services and social services* ensure application of this Act to the territory served by the Kativik Regional Council in the Inuit community. These amendments reflect the cultural, linguistic and geographical particularities of this Aboriginal Nation. Also, under a provision of the *Youth Protection Act* added in 1994, every person having responsibilities toward a child under this Act, and every person called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity of opting for measures, in respect of the child and the child's parents, which take into consideration, among other things, the characteristics of cultural communities and the characteristics of Native communities.

369. During 1996, a number of Aboriginal communities acquired greater autonomy in providing and administering local services. These communities are: Listuguj, Gesgapegiag, Kistisakik, Lac Simon and Pikogan.

370. Various provisions have been made for English-speaking persons. As provided in the *Act respecting health services and social services*, a provincial committee on the delivery of health services and social services in the English language was created. In accordance with the Act, each of the 16 regional health and social services boards has set up an advisory committee to advise the regional board on the program of access to services in English. Moreover, the government set September 2, 1994, as the date by which a regional board was required to undertake a review of its access program, the review being completed in December 1996. More than 6 institutions took part in the review of the access program undertaken by each of the 16 regional boards.

371. The Canada-Québec agreement on promoting access by English-speaking persons to health services and social services in English was also renewed for another five-year period, until 1999. During the period covered by this report, various activities were carried out based on the financial resources allocated to the regional boards under this agreement: production and translation of documents in English, English-language-learning activities for workers, studies, research, surveys and support for volunteer activities promoting access to services in English. Some 75 projects received funding.

372. With regard to the cultural communities, the report on the actions undertaken at the end of an initial action plan shows a number of major achievements and confirms the relevance of maintaining the stated objectives. Thus, the second plan for 1994-1997 steps up the means already put in place, adds new means and gives further accountability to the directorates of the Department of Health and Social Services (Ministère de la Santé et des Services sociaux), the regional boards and the institutions with regard to immigrant populations.

373. Examples of measures for adapting services include intensified and expanded cross-cultural training and the training program for network managers on managing diversity in health or social services institutions. There are also the research projects on adaptation of services for youth from cultural communities and the expansion of projects involving banks of linguistic and cultural interpreters to improve the accessibility of services in all regions with a significant number of persons from the cultural communities.

374. With regard to the application of the *Youth Protection Act* and the *Young Offenders Act*, and to take into consideration the characteristics of Aboriginal communities, the Department of Health and Social Services mandated the Commission de la santé et des services sociaux des Premières Nations du Québec et du Labrador [Québec and Labrador First Nations health and social services commission] to conduct a study and make recommendations. The report of this working group, which includes representatives of the Department of Health and Social Services and the Department of Justice, should be tabled shortly.

375. In the area of self-government, the Government of Québec and the Government of Canada are continuing negotiations with the Attikamek and Montagnais nations. These initially concern the communities of Manouane, Opitjiam and Weymontachie. Negotiations with the Montagnais Nation address two specific groups: Mamitum and Mamit Inuat, each of which has four communities. In this context, the Department of Health and Social Services has put forward proposals, now being discussed at the negotiating table, that could enable these communities to exercise more responsibilities in the area of health and social services.

376. Finally, in conjunction with the Naskapi Nation, the Department of Health and Social Services is currently reviewing chapter 10 of the Northeastern Québec Agreement, with the aim of ensuring greater involvement by this nation in the delivery and administration of health and social services.

## Article 6

377. During the period covered by this report, the Human Rights Tribunal handed down four judgments on matters of discrimination based on race, colour, or ethnic or national origin.

378. In the case *Commission des droits de la personne v. Thibodeau*, the defendant had refused to sublet accommodation because the sublessors were Aboriginals, in contravention of sections 10 and 12 of the *Charter of Human Rights and Freedoms*. The Tribunal sentenced the defendant to pay the complainants \$1,000 in exemplary damages and \$192.42 in compensatory damages. In the case *Commission des droits de la personne v. Restaurant Alexandre*, the complainants, who

were Black, were refused entry to a discotheque, in contravention of sections 10 and 15 of the Charter. The Tribunal sentenced the defendant to pay the complainants \$2,000 each in moral damages. In the case *Commission des droits de la personne v. Entreprises L.D. Skelling*, the Black complainant was refused a position as a butcher. The employer claimed that hiring the complainant would have hurt his business. The Tribunal found that this ground had nothing to do with the requirements of the job, and therefore contravened sections 10 and 16 of the Charter. The employer was sentenced to pay the complainant \$520.54 in material damages, \$2,000 in moral damages and \$1,000 in exemplary damages. Finally, in the case *Commission des droits de la personne (Elzeki) v. Allard*, the defendant had repeatedly and over a period of several years made racist comments and insults to a neighbour couple. The Tribunal found not only that these comments constituted harassment of the complainants (s. 10.1 of the Charter), but that they also impaired their right to the peaceful enjoyment of their property, without discrimination (ss. 6 and 10). It was also found that the complainants' right to the safeguard of their dignity, honour and reputation (s. 4) was impaired. The defendant was sentenced to pay \$1,250 to each of the complainants in moral damages.

379. The Department of Public Security has put in place a system for handling complaints from incarcerated persons. It was not, however, possible to determine the number and nature of complaints made by persons in the cultural or Aboriginal communities. Nevertheless, all complaints regarding language or customs relating to ethnic origin are automatically reported to the Ombudsman. In conjunction with the Department of Relations with Citizens and Immigration, the Department of Public Security also prepared a directory of members of correctional services staff who could act as interpreters and offered a French course for incarcerated persons.

## Article 7

### Education

380. Aboriginal groups —To combat all forms of discrimination against Aboriginal groups, the Department of Education compiles, organizes and distributes information on the various Aboriginal groups.

381. Thus, in cooperation with the Musée de la Civilisation and the Aboriginal nations concerned, the Department produced documentation on the various Aboriginal nations, describing their current way of life. The document on the Inuit, published in 1988, was updated in 1993. Also in 1993, documents on the Abenaki and the Algonquin (Wôbanaki and Nitakanin) were produced. In 1994, a document on the Attikamek (Nitaskinan) and, in 1996, another on the Huron-Wendat (Wendake) were also published.

382. Each of these documents, accompanied by an activity guide, is intended primarily for students and teaching staff at the second level of elementary education, but is also of interest to all those who wish to learn about the Aboriginal nations of Québec.

383. The various stakeholders in education interested in the Aboriginal issue cooperated to pool the information available on this subject and promote better understanding. These include staff from Coordination of Aboriginal Affairs in the Department of Education, teachers, academics, representatives of Aboriginal nations, and persons from the Centre d'éducation interculturelle et de compréhension internationale [Centre for cross-cultural education and international understanding] and the Groupe d'études Inuit et circumpolaires [Inuit and circumpolar studies group].

384. Finally, under the provisions of the *James Bay and Northern Québec Agreement*, major funding was allocated to the Cree School Board and the Kativik School Board to enable them to adapt the Québec school curriculum to the Cree and Inuit reality and culture. The same was done for the Naskapi, in accordance with the provisions of the *Northeastern Québec Agreement*.

385. The presence of Blacks in Québec society, yesterday and today—The Department of Education, in cooperation with the Department of Relations with Citizens and Immigration, produced a series of documents intended for elementary level students and teachers. The aim was to improve their knowledge of this ethnocultural component of Québec society, promote a feeling of legitimate pride among Blacks in Québec, and develop harmonious relations all around.

386. Taking religious and cultural diversity into account in the school setting—The Department of Education prepared a training module intended mainly for school administrators to help them resolve conflicts of values and rules of behaviour that might arise in multiethnic schools. This module provides support for sessions organized for the school setting. A number of school boards have also offered this training to all their school administrations.

387. Upgrading sessions on cross-cultural education—The Department of Education offered all school staff 10 sessions on integrating pluralism into the various areas of school intervention.

388. The Commission des droits de la personne et des droits de la jeunesse du Québec continues to offer school boards, elementary and secondary schools, and parents' committees training sessions on human rights and freedoms. These sessions are offered in both French-speaking and English-speaking milieus, and the topics they cover include racism in the school. In all, 160 sessions were held in 1993 and 1994, in addition to the numerous public seminars and training activities offered in the workplace, the general community and the legal community.

389. In 1993 and 1994, the Commission continued the training program on interethnic and interracial relations for its staff. In 1994, the training given to employees dealt with Aboriginal realities.

390. Mention should be made of the Commission's involvement in the preparation of the television series *Jasmine*. The Commission saw this collaboration, in which it acted as a consultant, as a means of stimulating thinking on themes inherent in its mandate, including the theme of racism. As a result of this television series, project Operation Hope [Opération Espoir] came into being, with the added participation of the Department of Relations with Citizens and Immigration, the Montréal Urban Community's police force, and various private-sector bodies

and associations. The aim of this project is to provide youth, new immigrants and police officers with opportunities to meet through projects meeting community needs. Between May and December 1996, some 20 projects were carried out.

391. The Commission continues to promote better knowledge of Aboriginal realities by organizing—under the general theme of Quebeckers and Aboriginals coming together, a major challenge—activities in the school setting. Carried out jointly with stakeholders from various milieus, including the Aboriginal milieu, these activities enable secondary school students to start learning about the Aboriginal reality through their regular courses in personal and social education, moral education or history, for example. The activities take various forms, such as meetings in class with Aboriginal resource persons, discussion workshops, information booths, exhibits, thematic days or visits to an Aboriginal milieu.

392. In April 1995, the Commission organized a colloquium on the theme of Aboriginals and Quebeckers: the meeting of nationalisms [*Autochtones et Québécois: la rencontre des nationalismes*], which was attended by nearly 200 persons. Coming a few months before the referendum on sovereignty in Québec, this colloquium sought to foster understanding between Aboriginals and Quebeckers. The proceedings were published by the journal *Recherches amérindiennes au Québec*.

393. On the international scene, the Commission, jointly with the International Institute of Human Rights, organized training sessions in Strasbourg, France, for professors in faculties of education, directors of educational institutions, inspectors, legal advisors and teachers. These sessions dealt with rights education and with the subjects covered in the Convention. The participants came from Africa, Europe and the Americas.

394. The Commission delegated a resource person to a seminar organized, in 1994, by the Agency for Cultural and Technical Cooperation of la Francophonie in Bordeaux, France. This seminar was intended to provide officials from African States that are members of the Agency with training in techniques and methods of preparing States' reports on the implementation of international instruments on human rights.

## Culture

395. The Commission des droits de la personne et des droits de la jeunesse marks Human Rights Day by organizing each year, in cooperation with the Société québécoise de droit international [Québec society of international law] and the Université du Québec à Montréal, a colloquium on human rights. The 1993 colloquium was devoted to *L'actualité de la Déclaration universelle des droits de l'Homme* [Current relevance of the Universal Declaration of Human Rights]. The 1994 colloquium had as its theme *L'adaptation à la diversité et le droit à la différence* [Adapting to diversity and the right to be different].

396. The Commission also marks Human Rights Day by awarding the Prix Droits et libertés in recognition of a noteworthy contribution by an individual or organization to defending and promoting rights and freedoms. In 1994, the prize was awarded to the Comité Ethnies-Familles

of Hôpital du Sacré-Coeur de Montréal, for implementing measures to ensure quality care to patients of diverse ethnic origins and to train nursing staff required to work in a multiethnic environment.

### Information

397. The Department of Relations with Citizens and Immigration worked on public information and awareness by:

- participating in various campaigns including the Year of Racial Harmony, Black History Month, and the International Day for the Elimination of Racial Discrimination;
- organizing, on behalf of the government, the Semaine interculturelle nationale in order to make a broad public aware of the intercultural reality of Québec;
- being associated with government activities carried out in connection with the United Nations Year for Tolerance;
- disseminating *Profils des principaux groupes religieux du Québec* [Profiles of the main religious groups in Québec] and the second edition of *Profils des communautés culturelles du Québec* [Profiles of the cultural communities of Québec]
- awarding the Prix du rapprochement interculturel in recognition of an outstanding contribution to intercommunity rapprochement by 3 citizens and several institutions;
- launching an anti-racist Internet site on March 21, 1996.

398. The Department of Public Security conducted several information and awareness sessions on the traditions and customs of Aboriginal peoples for various stakeholders with an interest in the administration of justice. It also developed and delivered a cross-cultural realities awareness program for its staff.

399. The Commission des droits de la personne et des droits de la jeunesse distributes to the general public numerous information tools relating to human rights. In 1993 and 1994, it responded to 4,979 requests for documents. More than 360,000 documents (texts of the Charter, information pamphlets, official notices of the Commission) were distributed in this way. Locating these information tools was made easier with the publication of a directory of Commission documents and an annotated research bibliography.

400. For a number of years, the Commission has run an intensive public information campaign on discrimination in the accommodation sector. This campaign takes the form of posters in subway trains and buses in Montréal and Québec City, particularly during the time of year when most leases are renewed.

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## NEW BRUNSWICK

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### Article 2

#### Human Rights Commission

401. The New Brunswick Human Rights Commission is responsible for the administration of the New Brunswick *Human Rights Act*. The Commission encourages a climate of tolerance and understanding which prevents persons from being subject to indignity or from being placed at a social disadvantage because of their race, colour, national origin, place of origin or ancestry.

402. Section 13 of the Act authorizes the Commission to approve special programs, such as Affirmative Action and Employment Equity, to enhance the welfare of specific populations, including women, Aboriginal peoples, persons with disabilities, and visible minorities. The programs are generally intended to identify and remove systemic barriers in employment, housing or education that discriminate against members of designated groups. They may also involve the implementation of special measures to accommodate differences and to achieve and maintain a representative workforce. The Commission is further authorized by the Act to review, alter or impose conditions in respect of such special programs.

403. The Commission carries out its principal functions by promoting human rights education and by investigating complaints regarding alleged violations of the Act. During 1993-94, it processed a total of 105 formal complaints, 7 of which were based on issues of racial discrimination. In 1994-95, of the 101 formal complaints processed, 11 concerned racial discrimination.

#### Multiculturalism Office

404. Since 1986, New Brunswick has maintained a Policy on Multiculturalism with the purpose of advancing the equal treatment of citizens of all cultures. The Policy represents a commitment to equality in matters of human rights, cultural expression and access to and participation in New Brunswick society. Implementation of the Policy is guided by a Ministerial Advisory Committee on Multiculturalism, comprising representatives of cultural communities, as recommended by non-governmental organizations having a stated interest in the multicultural nature of New Brunswick society.

405. In 1996-97, grants totalling \$29,400 were made to 13 organizations providing multicultural programs and services across the province. Projects included anti-racism education; initiatives fostering cross-cultural appreciation; community development and economic self-sufficiency opportunities for immigrant and visible minority women; and development of a cross-cultural health guide.

406. As directed by the provincial Policy on Multiculturalism, the Office coordinates initiatives across government aimed at promoting harmony within cultural and racial diversity and awareness of the social and economic benefits of cultural diversity. In 1996, the Office released two videos entitled *New Threads, New Trends: Making of the New Brunswick Tapestry* and *Nouvelle trame, nouvelles tendances: la composition du tissu social du Nouveau-Brunswick*. These videos introduce immigrants of diverse backgrounds and expertise and their contributions to the province and the country.

407. In carrying out its mandate to make recommendations to government on current issues, the Ministerial Advisory Committee on Multiculturalism pursued studies on provincial demographics, multiculturalism and immigration: an economic case for diversity; and differential fees for international studies in New Brunswick.

#### Equal Employment Opportunity Program

408. In 1989, the New Brunswick government added visible minority persons as a target group of its Equal Employment Opportunity (EEO) Program. The Department of Finance administers the EEO Program to provide Natives, visible minorities, and persons with disabilities equal access to employment, training and promotional opportunities in the New Brunswick Public Service. The Program is open to both on- and off-reserve Aboriginal people and serves as a liaison with reserves and Native organizations.

409. The EEO Program facilitates job placements and work experience for target group persons through a summer employment initiative for students, a job creation initiative administered in cooperation with the Department of Advanced Education and Labour, and through term placements of a year or more, which focus on longer-term skills enhancement.

410. During the reporting period, the Department of Finance hired a candidate under the EEO Program to fill a position in the Innovation and Development Branch. The Equal Employment Opportunity initiative will soon be extended to Part II of the Public Service.

#### Department of Advanced Education and Labour

411. The Department of Advanced Education and Labour administers wage subsidies to eligible employers who create jobs for unemployed persons in specified target groups, particularly Aboriginal workers. Wage subsidies are provided under three programs covering student summer jobs, short-term situations that develop skills or work experience, and the establishment of permanent or annually recurring seasonal jobs. Programs are available to both on- and off-reserve Aboriginal persons.

#### Department of Education

412. Based on its 1989 Ministerial Statement on Multicultural/Human Rights Education, the Department of Education maintains a commitment to ensuring a discrimination-free environment for all students and personnel within the New Brunswick education system.

413. The Statement's guiding principles are as follows:

- that every individual has a right to be educated in a school system that is free from bias, prejudice and intolerance;
- that any manifestation of discrimination on the basis of gender, race, ethnicity, culture or religion by any persons in the public school system is not acceptable;
- that school programs and practices promote students' self-esteem and assist in developing a pride in one's own culture and heritage;
- that the school curriculum be free of bias and stereotyping and open to the study of the contributions and achievements of all peoples;
- that multicultural community groups be actively involved in shaping policy and practices in the schools;
- that employment and promotion practices will be based on merit and ability and free from discriminatory barriers.

Department of Intergovernmental and Aboriginal Affairs (DIAA)

414. In 1995, a new cabinet post of Minister of State for Intergovernmental and Aboriginal Affairs was created.

415. The Department's role in the area of Aboriginal affairs is to:

- (a) provide information and advice to other departments and to the government;
- (b) act as a secretariat for the Ministerial Committee on Aboriginal Affairs; and
- (c) liaise with Aboriginal organizations, federal departments and other provinces as required.

Each department and agency is responsible for identifying and implementing concrete measures that advance the government's policy direction for Aboriginal affairs.

416. The New Brunswick government recently reaffirmed a number of policy commitments to Aboriginal peoples through pragmatic social and economic development initiatives: by respecting the Aboriginal and treaty rights of the Micmac and Maliseet peoples in a way that promotes harmony and collaboration between Aboriginal and non-Aboriginal people, and by participating in projects that support the continued development of self-governing arrangements for First Nations communities. The DIAA continues to be involved with both on- and off-reserve Aboriginal issues and organizations.

417. Highlights of DIAA activities in 1994-95 included the following:

- An Aboriginal-federal-provincial initiative in economic development was pursued as a result of a meeting between the federal Minister of Indian Affairs and the Ministerial Committee on Aboriginal Affairs. This led further to the establishment of a Joint Economic Development Initiative (JEDI) in 1995.

- In February 1995, a National Symposium on Aboriginal Development Financing was co-hosted by the DIAA, Indian Affairs and Northern Development Canada, Industry Canada and the Canada Mortgage and Housing Corporation. A task force was established at the Symposium and was scheduled to report to the federal Minister of Indian Affairs in December 1995.
- The DIAA was actively involved in the negotiation of a supplementary compensation agreement between the Minister of the Environment and the Eel River Bar First Nation. Signed in April 1995, the agreement stems from a need to use Native land for a municipal reservoir. Under its terms, at least 50 percent of compensation must be used for economic development.
- The DIAA sponsored a concept refinement and a feasibility study of two Aboriginal business development proposals.
- The DIAA continued to represent the province in a tripartite process with the New Brunswick Aboriginal Peoples Council (NBAPC), representing off-reserve Aboriginal people, and the Privy Council of Canada, representing the federal minister responsible for off-reserve Aboriginal people. With funding obtained through the tripartite process, the NBAPC implemented its Small Home Business Loan Program and also explored the establishment of a credit union for off-reserve Aboriginal people.

418. The Ministerial Committee on Aboriginal Affairs is chaired by the Minister of State for Intergovernmental and Aboriginal Affairs. Other Committee members are: the Attorney General, the ministers of Education, Finance, Health and Community Services, Natural Resources and Energy, and the Minister of State for the Regional Development Corporation and Northern Development.

#### Department of Justice

419. A pilot Circle Sentencing Project was proposed by the Department for an Aboriginal community in New Brunswick. The project involves on-reserve community members, victims, the accused and their families in a pre-sentence process aimed at assisting Provincial Court judges in determining an appropriate and culturally sensitive sentence for adult and young offenders. Similar arrangements have been put in place in other jurisdictions.

#### Department of the Solicitor General

420. The Department of the Solicitor General continues to consult with the Solicitor General of Canada and First Nations communities on the implementation of the federal First Nations Policing Policy, which is intended to provide reserves with more culturally-sensitive law enforcement.

421. The Policing Policy serves as the basis for enhancing the level and quality of policing services available to reserve communities and enabling greater Aboriginal involvement in the administration of criminal justice.

422. Since June 1993, the Department has participated with federal and Aboriginal authorities in a policing analysis of three MAWIW Tribal Council communities, with a view to implementing the Policy.

423. Aboriginal persons comprise approximately five percent of the incarcerated offender population in New Brunswick—a significantly disproportionate number given that Aboriginal persons represent only one percent of the provincial population.

424. With responsibility for operating 12 adult and 3 young offender centres, the Department of the Solicitor General has introduced a number of Correctional Services initiatives to better serve Aboriginal persons incarcerated in its correctional centres.

425. For example, the Aboriginal Staffing Initiative has led to the employment of four Aboriginal persons as regular correctional staff: a Youth Counsellor at the New Brunswick Training School, and two Correctional Officers and a Program Supervisor at other correctional institutions. Their participation contributes cultural sensitivity to Aboriginal inmates and encourages greater understanding of, and Aboriginal involvement in, the administration of the criminal justice system.

426. Two individuals of Aboriginal ancestry are also employed as Probation and Parole Officers by the Department to further address the need for sensitivity to the culture and needs of Aboriginal offenders. Aboriginal participation in sentence supervision is intended to create stronger contact between Correctional Services and the Aboriginal community. The presence of Aboriginal Probation Officers also serves a valuable educational function, encouraging greater Aboriginal involvement in the administration of criminal justice

427. Both officers provide conventional probation services, and have further assumed a variety of non-conventional functions related to community education, deterrence, offender rehabilitation and culturally specific programming.

### **Article 3**

#### Department of Justice

428. The Court of Queen's Bench was involved in challenging the Province's authority to repeal certain provisions of the *Social Services and Education Tax Act* relating to First Nation peoples on reserves.

## Article 4

### Human Rights Act

429. Subsection 6(1) of the New Brunswick *Human Rights Act* states that “no person shall (a) publish, display, or cause to be published or displayed, or (b) permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that he owns or controls, any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex.”

### Department of Justice

430. The New Brunswick Department of Justice has been working with a federal-provincial-territorial ministerial committee to make the hate literature provision of the *Criminal Code* more effective.

431. The Department’s Law Reform Branch has also explored group defamation as a possible vehicle for pursuing an effective civil remedy.

## Article 5

### Department of Advanced Education and Labour

432. The Adjustment Services Program is a partnered initiative of Human Resources Development Canada and the Department of Advanced Education and Labour, which serves to bring employers, employees and communities together to deal with changes that impact the structure of the workplace and the role of the workers.

433. In 1994-95, the Department collaborated with the Eel River Bar First Nation in working towards the development and co-management of specific tourism-related projects.

434. Through the Canada-New Brunswick Cooperation Agreement on Entrepreneurship and Human Resources Development, a Business Summit and Trade Show for Native Entrepreneurs was sponsored by the Micmac Maliseet Development Corporation in September 1994. This one-time project brought together Native entrepreneurs, potential investors and business people for the purpose of marketing products, investigating joint ventures and attending workshops. The Agreement will be replaced in 1996 by the Canada-New Brunswick Agreement on Regional Economic Development.

435. Through the Program Coordination and Apprenticeship Training Branch, the Department provides contract training on a fee-for-service basis to employers and other organizations,

including on- and off-reserve Aboriginal people. In 1994-95, vocational training and academic upgrading was provided to five Aboriginal communities.

436. The Community Academic Services Program (CASP) provides basic (grades 4-6) reading, writing, and numeracy instruction to New Brunswick adults outside of the formal school system. Coordinated by the Department of Advanced Education and Labour, the 30- to 40-week literacy program is designed to respond to community-identified needs and is cost-shared between the community and Literacy New Brunswick Inc. The Program is available to both on- and off-reserve Aboriginal people and organizations.

437. There were two CASP programs serving Aboriginal communities in 1993-94, and four in 1994-95. A new program was established at Oromocto First Nation for 1995-96.

#### Department of Education

438. The Department of Education supports the principle of equal employment opportunity for all persons. Through participation in the Equal Employment Opportunity Program and the Equal Employment Equity Program, special measures are adopted with respect to persons with disabilities, Aboriginal peoples and members of visible minorities. Employment equity initiatives address various issues related to the occupational status of women and encourage a review of employment systems and practices to ensure a discrimination-free work environment for all employees.

439. Interim agreements on primary/secondary education between the Province of New Brunswick and First Nations ensure that children who live on reserves and attend public schools have access to culturally relevant, quality educational programs and services, consistent with the Policy Statement on Maliseet/Micmac Education in New Brunswick. The governing bodies involved in these arrangements are First Nations, the federal Department of Indian Affairs and Northern Development, the Department of Education and local school districts.

440. Since the Federal-Provincial Master Tuition Agreement terminated in 1993, several First Nations have engaged in direct discussions with the Department of Education with the aim of concluding a long-term tuition agreement for educational programs and services between all First Nations and the Department of Education. Individual agreements exist between the Department and St. Mary's, Oromocto, Kingsclear, Fort Folly, Tobique, Big Cove, Burnt Church and Red Bank.

441. The Department has adopted a number of initiatives consistent with the Policy Statement on Maliseet/Micmac Education in New Brunswick, including an Aboriginal teacher recruitment initiative, the appointment of a number of Aboriginal school board trustees, and an intervention program to address the educational needs of at-risk students of the St. Mary's and Kingsclear First Nations. Other measures, which address curriculum development activities and Aboriginal awareness training for teachers, are reported under Article 7.

Department of Health and Community Services

442. On April 24, 1995, the minister of Health and Community Services, the Honourable Russell King, issued a memo to all regional hospital facilities, Family and Community Social Service Offices, and the Mental Health Commission. The memo contains sections from the *Human Rights Act* concerning racism. The Minister stated that there would be zero tolerance with respect to racism within the Health and Community Services system.

443. Gignoo Transition House was opened in January 1993 to aid abused Aboriginal women and their children. In 1992-93, the Canada Mortgage and Housing Corporation provided funds for capital costs to establish the transition house for victims of spousal violence. The Department of Health and Community Services now provides an operating grant based on usage of the Transition House by off-reserve Aboriginal women and non-Aboriginal clients. The Department of Indian Affairs provides financial assistance based on usage by on-reserve Aboriginal women.

444. A number of the New Brunswick Indians who belong to the Union of New Brunswick Indians are members of the Provincial Suicide Prevention Coordinating Committee. There are also Aboriginal representatives on various community suicide prevention committees.

- Four people who are certified trainers in suicide prevention are part of the Mental Health Commission's provincial pool of certified trainers.
- Training sessions have been provided to various Aboriginal communities in the area of suicide prevention and awareness, including formal training in Critical Incident Stress Management.
- Aboriginal representatives of Big Cove are part of the Critical Incident Stress Management program of the Richibucto community Mental Health Centre.
- Cultural awareness training has been provided to Community Mental Health Services staff.
- Community Mental Health Centres staff continue to provide consultation services to Aboriginal communities as needed.

Aboriginal clients are accessing the services at the 13 Community Health Centres throughout the province on a continuous basis. In addition, the Department will, on an as-needed basis, deliver specific services or training to Aboriginal communities in a crisis.

445. The Province is responsible for providing child protection services to all residents of New Brunswick, including those living on Indian reserves. The Department of Health and Community Services does, however, delegate the responsibility for the delivery of these services to all First Nations (with the exception of the Madawaska Maliseet Nation). The delegation occurs under a tripartite agreement between the First Nations, the Department of Health and Community Services and the Department of Indian Affairs and Northern Development Canada.

446. A Canada-New Brunswick-Indian Child and Family Services Agreement was first signed in 1983 and is in place in several First Nations communities. A Tripartite Agreement on Indian

Child Welfare Agencies also exists and, in 1988, was extended until such time as new arrangements are negotiated.

447. The long-term objective of the Department of Health and Community Services is to devolve responsibility for delivery of child and family services to First Nations. Those services that may be provided under the Tripartite Agreement are: child care, child protection, homemaker, headstart, family and adoption services.

448. According to a February 1994 status report, 10 of the 15 First Nations communities in New Brunswick had child and family services agreements in place; the other 5 were in various stages of negotiation for culturally responsive services.

449. Discussions are underway between federal and provincial representatives and the MAWIW Tribal Council to move toward a partnership model as opposed to the delegated authority model under which the past agreement was signed.

#### Department of the Solicitor General

450. The Department's Correctional Services Branch has endeavoured to ensure equal access of Aboriginal inmates to culturally sensitive spiritual services through programs of visits by elders and participation in sweet grass ceremonies. The Branch has taken part in informal discussions with Aboriginal leaders regarding the development of institutional policy and procedures.

451. In 1993, the Department introduced a policy to recognize the inherent right of incarcerated Aboriginal offenders to practice their Native spiritual traditions. A sweat lodge was built at the Saint John Regional Correctional Centre to permit periodic ceremonies to be performed by Aboriginal people. Various Aboriginal ceremonies have been conducted in other provincial correctional institutions as well. During these ceremonies, Aboriginal elders are extended similar visiting privileges as members of the clergy.

### **Article 6**

452. Under section 20 of the *Human Rights Act*, the Human Rights Commission is authorized to recommend the appointment of an impartial Board of Enquiry to resolve a complaint of discrimination which cannot be settled through the process of conciliation.

### **Article 7**

#### Human Rights Commission

453. The New Brunswick Human Rights Commission provides information and referral services on a variety of issues including racism, prejudice and discrimination. It also makes print materials and videos available, and serves as a liaison with community organizations.

454. The promotion of racial harmony continues to be an important focus of the Commission's education program. In this respect, the Commission is actively involved with the New Brunswick Minority Policing Committee in its work to address such issues as recruitment and training of minorities and police practices, and with PRUDE, an organization that develops awareness and programs dealing with racial harmony.

455. During the review period, the Commission was instrumental in promoting the proclamation of Racial Awareness Week (March 20-26) by the City of Saint John. It also issued press releases in recognition of the International Day for the Elimination of Racial Discrimination, International Women's Day, International Human Rights Day and the United Nations Year for Tolerance.

456. In 1995, the Human Rights Commission was designated the government's lead agency for the celebration of the International Year for Tolerance. The Commission implemented the Year by:

- launching the *Foundations for Fairness* video series in conjunction with the International Day for the Elimination of Racial Discrimination, on March 21. The series comprises two videos and a public service announcement dealing with prejudice, and is accompanied by a study guide;
- publishing *Learning Together*, a teacher's guide for introducing equality issues to students;
- continuing to promote equality through presentations to students and employers, as well as through its publications and other activities.

### Multiculturalism Office

457. New programs for 1994-95 included partnerships with other government offices and community organizations to foster cross-cultural education opportunities and the development of immigrant integration materials. The Office worked in cooperation with multicultural organizations and other community-based groups to contribute to the first Canadian Heritage Fair held in New Brunswick.

458. To mark Heritage Day in 1995, a collection of heritage stories by provincial employees was distributed to all schools, libraries, museums and historical societies in New Brunswick.

### Department of Education

459. The Department of Education promotes racial harmony by sensitizing students and educational personnel to various issues related to racial discrimination. The Department also marks special events such as Heritage Day, the International Day for the Elimination of Racial Discrimination, and Citizenship Week by initiating annual activities within both the Department and the public school system.

460. The Department of Education's principal role in the elimination of all forms of racial discrimination and the promotion of human rights and multicultural awareness has been in the field of education and teaching.

- The Districts have been directed to develop a policy consistent with the thrust of the Ministerial Statement on Multiculturalism/Human Rights Education, and to feature a progress report as part of the Annual Report of each district.
- The document *Human Rights in the Curriculum*, prepared in 1988, is being updated.
- A document entitled *Checklists for Detecting bias and Stereotyping in Instructional Materials* was prepared in 1990.
- An Indian Education Policy has been prepared by the Department of Education.

A number of initiatives are in place in this area:

- (a) An Indian Education Consultant has been hired.
- (b) Native Studies 20 is being piloted in a number of schools. "Maliseet and Micmac: First Nations of the Maritimes" is being piloted for this course. A curriculum guide is in preparation.
- (c) Native Language programs and materials are being developed.
- (d) In-service instruction is being held for teachers in various districts for the Indian Education Orientation Program. *A Circle of Understanding* was published which offers guidelines for provincial schools enrolling native Indian students.
- (e) Workshops are being conducted concerning the heritage and culture of First Nations.
- (f) provincial Indian Education Curriculum Development Committee is in place. This committee reviews the direction and support for the study of First Peoples in the curriculum.
- (g) In response to the Report on Excellence in Education, two initiatives are going forward: one will see an increase in the number of Native teachers, and the other will support Native leaders.

#### New Brunswick College of Craft and Design

461. Since 1989, the New Brunswick College of Craft and Design has provided a one-year Native Arts Program as part of its foundation Arts Diploma Program. The Program is directed by a Native instructor and the College has developed informal contacts with many elders and Native artists.

462. The College is an interdisciplinary cultural education facility which maintains a policy of credit transference with the University of New Brunswick, whereby credit from one educational institution can contribute to a diploma or degree of the other.

#### Department of Intergovernmental and Aboriginal Affairs

463. A sub-committee on anti-racist education, with representatives from Manitoba, Ontario and New Brunswick, continued its efforts to coordinate the development of a training manual on racism for human rights officers.

#### Department of Municipalities, Culture and Housing (ASNB)

464. Archaeological Services New Brunswick (ASNB) works for the preservation (by encouraging fundamental and applied research, designation and banking), management (by screening impacts of projects on heritage sites, licensing, inventories and site protection works), and development (through promotion, commemoration, site interpretation, publications and exhibitions) of New Brunswick archaeological heritage. It will take the lead in facilitating solutions to resource management conflicts. Its Aboriginal involvement is extensive, from employing Aboriginal students in its projects to working closely with specific Indian communities on research, inventory, land management and development projects. This includes giving talks to schools, and working on legislation, with an emphasis on heritage stewardship and community involvement. Repatriation issues are also being addressed. ASNB objectives are to ensure the preservation, management, and development of New Brunswick's archaeological heritage. With regard to Aboriginal involvement, ASNB will:

- try more experiments in co-management of heritage resources;
- work more closely with Aboriginal people on mutual issues, particularly on access;
- encourage heritage resource management on Aboriginal lands.

ASNB has, to date, had direct dealings with at least 10 Aboriginal communities. Members of the Heritage Branch of the MCH Culture Division have recently participated with ASNB staff in the review and planning stages of various Red Bank First Nation initiatives.

#### Canada/New Brunswick Cooperation Agreement on Cultural Development

465. The Canada/New Brunswick Cooperation Agreement on Cultural Development focussed on maximizing economic growth and cultural awareness through human resource and product development, marketing and distribution, and the application of new technologies. The Agreement was in effect from October 1990 to March 1995.

466. Since 1991-92, assistance has been provided for a number of Aboriginal cultural development projects, including:

- a promotional video and promotional materials for the Eagle Feather Band;
- support for Pictou Fine Arts to attend a trade show;

- a River of Fire Festival and related workshops, held by Big Cove Community Services;
- travelling workshops organized by the New Brunswick Indian Arts and Crafts Association, to teach traditional Native crafts.

467. The principal objective of this agreement was the identification and detailed analysis of economic development opportunities and the formulation of appropriate measures to pursue them. The Agreement provided funding to government departments to assist in the identification and/or study of development opportunities within the province of New Brunswick. Four Aboriginal projects were approved under this cooperation agreement including:

- (a) the Strategic Development Plan of the Maliseet Nations Fisheries Management Federation;
- (b) a study on opportunities in the resource sector;
- (c) the Wabanaki, Woolastook Park and Little Lake Development Plan; and
- (d) a project to assess the feasibility of an Aboriginal employment placement project.

Funding under this agreement was available to both on- and off-reserve Aboriginal people. Governing bodies involved in the delivery of this agreement were the Atlantic Canada Opportunities Agency and the Regional Development Corporation.

468. The Development Assistance Program (DAP) is designed to complement other federal and provincial programs aimed at economic development and job creation in particular, the section 25 provision of the Unemployment Insurance Act. DAP provides funding for materials and supplies for community capital projects sponsored by municipalities and non-profit organizations. In 1994-95 and 1995-96, the following Aboriginal projects received funding under DAP:

- (a) a Pabineau Band housing project with a DAP allotment;
- (b) a measure to upgrade the NBAPC's lodge facilities;
- (c) a measure to finance renovations for the Union of New Brunswick Indians;
- (d) initiatives to fund a multi-use centre and arena repairs at Big Cove;
- (e) an initiative to improve housing on Indian Island and Burnt Church;
- (f) an initiative for a road upgrade at Fort Folly;
- (g) housing projects for Buctouche, Eel Ground, Eel River Bar, St. Mary's, Indian Island, Fort Folly and Burnt Church; and
- (h) a NBAPC camp renovation expense.

469. The Northern Special Projects Fund was created and launched in 1994 as part of the Action North Initiative. It was designed as an incremental assistance fund for worthwhile development projects which could access other government programs. The Action North Initiative targets the specific needs of the region extending from Beresford to Kegwick/St. Quentin. Through this framework the New Brunswick government worked closely with the local residents to develop effective, relevant means that will assist in economic recovery and restore confidence in the entrepreneurial capacities of the north. The fiscal year 1995-96 was the last year for the Northern Special Projects Fund.

470. In 1994-95, the Northern Special Projects Fund assisted the Eel River First Nation with the proposed Heritage Garden concept. The Fund also assisted the laboratory which serves to increase marketable computer skills of Band members. In the fiscal year 1995-96, the Fund contributed to a clam population study at Heron Island and the development of a business plan for the proposed Aboriginal Heritage Garden, which would present the traditional medicinal and food plants used in the region. This fund is open to both on- and off-reserve Aboriginal people.

471. The Sport, Recreation and Active Living Branch mission is to stimulate the development of recreation and sport opportunities through strong partnerships, thereby strengthening communities and improving the overall quality of life in New Brunswick for people of all cultures. The programs of the Branch are delivered both on and off-reserve. Programs which are pertinent to First Nations' communities are:

Organizational Assistance:	To develop self-sufficient volunteer organizations capable of providing quality recreation and sport;
Leadership Assistance:	To support the training of volunteers and professionals in sport and recreation;
Participation and Active Living Assistance:	To support the development of regular participation opportunities in recreation and sport;
Excellence:	To recognize, encourage and support the pursuit of excellence in sport by NB athletes and coaches.
Hosting:	To promote and support the hosting of major sporting events in New Brunswick.

472. The objectives of the Sport, Recreation and Active Living Branch are:

- to promote and support effective partnership;
- to recognize the value of volunteers and volunteerism;
- to enhance the quality of life;
- to promote community pride and excellence;
- to value fair play;
- to create a community-based approach to recreational development;
- to provide a broad range of quality sport/recreation activities.

473. In terms of First Nations, the Sport, Recreation and Active Living Branch delivers its programs from central offices in Fredericton along with regional offices in Edmundston, Fredericton, Saint John, Moncton, Miramichi, Bathurst and Campbellton. Plans for 1997 and beyond include:

- giving assistance to Community Development plans on the following First Nations communities: Big Cove, Burnt Church, Tobique and others as needs are identified;.

- making contact and distributing information to all First Nations communities on services available from Sport, Recreation and Active Living Branch;
- informing Aboriginal leaders of the benefits of recreation, especially for youth at risk.

### Public Safety Services

474. The principal goal of Public Safety Services is to assist First Nations communities to develop the necessary expertise, plans and arrangements for effective local emergency management. The project had been implemented by employing an Aboriginal person as a Native Community Advisor on Emergency Measures.

475. This project is the Aboriginal component of the Umbrella Agreement on Cooperation in Emergencies in effect since February 1991. The project is a cooperative effort to improve our collective preparedness to deal with the effects of disaster. It should also serve to foster mutual aid agreements between Aboriginal and non-Aboriginal communities.

476. Responsibility for emergency preparedness in First Nations communities resides with the federal government; nevertheless the provincial government has a moral obligation to provide assistance, advice and support to governing bodies involved in the delivery of the programs of the Department of Municipalities, Culture and Housing, and the Band Councils.

### Regional Economic Development Programs

477. The purpose of the Economic Diversification Agreement was to support worthwhile economic development initiatives that had the potential to enhance income and employment.

478. This cooperation agreement contributed to the development of Gitpo Cottage Resort Inc., a project of the Eel Ground First Nation on the Miramichi River. Governing bodies for the cooperation agreement were the Atlantic Canada Opportunities Agency (for the federal government) and the Regional Development Corporation (for the province). The Agreement expired March 31, 1995, with 1995-96 being a payout year for previously approved projects.

### Department of the Solicitor General

479. The Department has undertaken measures to promote cross-cultural understanding among its employees by organizing lunchtime awareness activities along with a multicultural exhibit, and by incorporating the government's Policy on Multiculturalism into an employee's handbook as well as into training programs for Executive Directors. The Department is also represented on the Interdepartmental Committee on Multiculturalism.

480. With respect to correctional employees, the Department offers Aboriginal awareness training, including a Native Spirituality course led by Aboriginal elders as trainers. The purpose of this initiative is to ensure correctional staff are more culturally sensitive to the needs of Aboriginal offenders.

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## NOVA SCOTIA

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481. The period covered in this report is from May 1993 to April 1997.

### Article 2

482. The Nova Scotia *Human Rights Act*, R.S. 1989, c. 214, provides protection against discrimination on the basis of the following grounds: race, colour; creed, religion; national, ethnic or Aboriginal origin; sex (includes pregnancy); age; marital or family status; physical or mental disability; sexual orientation; political activity, affiliation or association; source of income; fear of contracting an illness or disease; sexual harassment; association with members of groups protected under the Act. The Nova Scotia Human Rights Commission's policy is such that complaints of racial harassment are considered to be complaints of racial discrimination.

483. The Nova Scotia Human Rights Commission continues to investigate complaints of racial discrimination. Approximately 17 percent of the complaints of discrimination in the area of employment are allegations of racial discrimination (race, colour, national, ethnic or Aboriginal origin). Approximately 45 percent of the complaints in the area of services are allegations of racial discrimination.

484. Nova Scotia Human Rights Commission staff participate in ongoing training to develop increased understanding of racism and systemic discrimination.

485. A Race Relations Division was established within the Nova Scotia Human Rights Commission in 1991. The Division's mandate is to develop, both in the public and private sectors, programs and policies that promote cross-cultural understanding and eliminate barriers to the full participation of members of racial minorities in society. Part of this mandate includes the Affirmative Action Program, which involves assisting organizations and agencies from the public, private and community-based sectors, who wish to enter into affirmative action agreements. As part of this process, a revised booklet called *Affirmative Action Resource Manual* includes guidelines on employer-based Human Rights Affirmative Action Committees. These groups take active responsibility for eliminating discrimination and harassment, in the provision of services, in the workplace, and in all areas covered by the Nova Scotia *Human Rights Act*. Sections 6, 9 and 25 of the *Human Rights Act* allow for employers and service providers to enter into special programs and activities whose purpose is to "promote the welfare of any class of individuals..." Such programs are deemed not to be a violation of the *Human Rights Act*. Increasing numbers of private- and public-sector employers and educational institutions are registering affirmative action agreements.

486. In 1995, the Human Rights Commission also developed a video on race relations entitled *Racism and You*. The video gives examples of how racism is practised in a workplace environment and the impact it has on those involved. The video is used during speaking engagements, educational workshops and seminars in both the public and private sector.

487. The government of Nova Scotia established the Steering Committee on Employment Equity and Race Relations in 1991. The Committee is comprised of deputy ministers and department heads and has a mandate to formulate policies and monitor progress on race relations and employment equity issues. The Steering Committee has produced, through a working group, a draft race relations policy statement for the province.

488. The Race Relations and Employment Equity Task Force set up under the Steering Committee began delivering education and awareness sessions to all government employees in 1994. The sessions are continuing. A Race Relations and Employment Equity Resource Centre has been established that includes books, videos, newspaper articles and other items.

489. Throughout the period covered by this report, the Department of Human Resources and the Nova Scotia Government Employees Union have cooperated in gathering statistical information and developing a mandatory affirmative action policy for provincial civil servants at all levels. In March 1996, the Department and the Union made a specific commitment to overcome systemic discrimination; progress statistics are tabled annually in the Legislature.

490. In 1994, the Nova Scotia Advisory Council on the Status of Women consulted women's organizations in the province on establishing diversity within the Council board and staff. As a result, five of the seven new appointments to the Council were from racially visible groups. Since these 1994 appointments, the Council has been working to ensure that all projects of the Council are more inclusive.

491. In 1996, the Black Women's Health Project was initiated as a community outreach and information program; funding assistance was provided by the Department of Health.

492. The new *Children and Family Services Act*, R.S. 1990, c.5, came into force in September 1991. This legislation states that wherever possible family units are to remain together, assisted by a wide range of supports. Several sections of the Act require that the best interests of the child be the paramount consideration in any placement or intervention; the preservation of the child's cultural, racial, religious and linguistic background is considered relevant to his or her best interests.

493. Where a child of Aboriginal origin is the subject of a child protection proceeding, the Act states that the Mi'kmaq Family and Children's Services of Nova Scotia shall receive notice as a party to the proceedings and may be substituted for the agency that commenced the proceeding. The Act also provides for notice to Mi'kmaq Family and Children's Services before an adoption agreement is entered into concerning a child who is or may be an Aboriginal child. Pursuant to section 88 of the Act, an Advisory Committee conducts an annual review of the Act; a senior staff member from Mi'kmaq Family and Children's Services sits on this advisory committee and also on related policy committees.

494. The *Multiculturalism Act*, R.S. 1989, c.10, s.1, remains in force. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.

#### Article 4

495. Although the legislation concerning hate groups and hate propaganda falls under federal jurisdiction, the provincial *Human Rights Act* provides additional protection to groups vulnerable to such propaganda. Section 7 of the Act prohibits publications, displays or broadcasts that indicate discrimination or an intent to discriminate against individuals or classes of individuals. A 1994 Board of Inquiry held that a sweatshirt offered for sale conveyed negative stereotypes about Black women and was discriminatory. The Board of Inquiry ordered the owner of the store to stop displaying and selling the sweatshirt (or any other discriminatory material) and also ordered the owner to apologize to the person who had lodged the complaint.

#### Article 5

496. The Tripartite Forum consists of representatives of the federal and provincial governments and the Nova Scotia Aboriginal community. In 1995, the Forum's Sub-Committee on Human Rights established a 16-month Mi'kmaq Community Rights Facilitator Program. The Facilitator held workshops and seminars to assist members of the Mi'kmaq community (on- and off-reserve) with the process of filing and resolving complaints under the *Human Rights Act*. The Facilitator also developed cross-cultural sessions for schools and other organizations and served as a consultant to educators and government on Mi'kmaq community rights issues.

497. The Department of Justice, Police Services Division, has designed an introductory Multicultural Training Course for criminal justice workers in the province of Nova Scotia. The intent of the course is to assist Police and Correctional personnel in Nova Scotia to develop a basic understanding of other cultures and values, and to assist them in the normal discharge of their duties in a multicultural environment.

498. There are currently two Black judges serving in Nova Scotia. The Family Court appointment was made in 1986, and the Provincial Court appointment in 1996.

499. The Review Board of the Nova Scotia Police Commission is comprised of a Chairperson, Alternate Chairperson, Member and four Alternate Members. Since 1993, a representative from the Black community and a representative from the Aboriginal community have been serving on the Review Board as Alternate Members.

500. In 1994, the Union of Nova Scotia Indians, with provincial and federal support, developed the Mi'kmaq Young Offender Project. This ongoing initiative combines existing alternative sentencing measures with a restorative justice model that incorporates the Mi'kmaq legal traditions of healing and community resolution.

501. The published reports of the Law Reform Commission of Nova Scotia have included summaries in the Mi'kmaq language since 1992.

502. The Unama'Ki Tribal Police, an Aboriginal police force serving Unama'Ki communities, commenced operations in October 1994.

503. Previous reports have referred to the establishment by the Province of Nova Scotia of the 1986 Royal Commission to inquire into the circumstances that led to the wrongful murder conviction of Donald Marshall, Jr., a Mi'kmaq Indian. The federal and provincial governments continue to address the Royal Commission's 82 recommendations.

### Article 6

504. The protection from and compensation for discrimination is discussed in previous sections of this report.

### Article 7

505. In 1990, the provincial government appointed the Black Learners Advisory Committee (BLAC). The three-volume *BLAC Report on Education* was published in 1994. This report laid the groundwork for significant structural changes to the *Education Act* and the Department of Education, including the establishment in 1996 of an African-Canadian Services Division within the Department.

506. A similar process is taking place between the Department of Education and the Mi'kmaq community; the intended result is much greater Mi'kmaq control over the education of Aboriginal children. The new *Education Act* legislated the creation of a Council on Mi'kmaq Education and allows for the appointment of a Mi'kmaq representative to each regional school board. Two of the six anglophone school boards have Mi'kmaq representatives; in the other four regions, the Bands are currently choosing their representatives to the boards.

507. A Mi'kmaq Education Consultant position was created by the Department in 1995. The Consultant is overseeing changes to the curriculum, including a Mi'kmaq Social Studies course to be piloted in five high schools and a Mi'kmaq language course to be offered to Aboriginal and non-Aboriginal children as the second-language course option.

508. Dalhousie University, Nova Scotia's largest university, continues to operate programs designed to encourage and facilitate the enrolment of Black and Aboriginal students. The Transitional Year Program has been operating since 1972. A Black Student Advisory Centre was established in 1992. In 1996, the James Robinson Chair in Black Canadian Studies was established. The Indigenous Black and Mi'kmaq Program at the Law School has been operating since 1989. Since the commencement of the program, 46 Black and 32 Aboriginal law students have enrolled in the Program.

509. The Department of Education established the Office of Race Relations and Cross-Cultural Understanding in 1992. This office is working with school boards, multicultural groups and other education partners in developing anti-racist principles and a provincial education race relations policy. As well, the Office is working with school boards to develop race relations policies at the board level. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race relations policy includes school programs and practices promoting self-esteem and pride in individual cultures and heritages. The

Department is also finalizing its provincial student discipline policy which includes sections prohibiting racial harassment. Under the new *Education Act*, R.S. 1995-96, c.1, school boards have a duty to establish policies that protect students from harassment and abuse.

510. In 1996, the Joint Human Rights and Education Committee was reactivated with the Executive Director of the Human Rights Commission and the Deputy Minister of Education serving as co-chairs. The Joint Committee acts as a forum for discussion and sharing information; it also has a mandate to recommend ways that human rights concepts and issues can be integrated into policies and curriculum development.

511. The Nova Scotia Human Rights Commission continues to produce and distribute information on discrimination. It also continues to assist with the organization and delivery of conferences on human rights in both the school system and the private sector.

512. In March 1997, the Nova Scotia Sport and Recreation Commission launched a Fair Play program that will emphasize zero tolerance for violence, racism and verbal abuse in sports facilities. The program will also promote the right to increased access to sports regardless of racial origin. The City of Halifax has provided a program to immigrant children since 1995 that is designed to increase the children's awareness of recreational opportunities and to help them feel more comfortable participating.

513. The Province of Nova Scotia continues to recognize the following events: African Heritage Month is celebrated throughout February with numerous events; Aboriginal Treaty Day is celebrated October 1; March 21 is celebrated with a ceremony at Province House at which the Premier signs Nova Scotia's Proclamation declaring March 21 as the International Day for the Elimination of Racial Discrimination. The theme for the 1997 events commemorating March 21 was "Youth Perspectives on Eliminating Racism." A public- and private-sector partnership, organized through the Nova Scotia Human Rights Commission, sponsored the theme and events.

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## PRINCE EDWARD ISLAND

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### General

514. Prince Edward Island has a population of approximately 130,000, comprised of people from 78 different racial and cultural groups. In 1996, Statistics Canada identified 1,525 Islanders as visible minorities. Between 1993 and 1997, 638 immigrants came to Prince Edward Island, including refugees and sponsored immigrants.

515. There were 961 Aboriginal persons living in Prince Edward Island in 1997. Five hundred and thirty-two of these lived on Lennox Island and Abegweit Mi'kmaq band reserves while 429 lived off-reserve. Aboriginal persons make up the largest visible minority group in Prince Edward Island.

516. In Prince Edward Island, ministers are appointed to various departments from the elected members of the Legislature. The Minister of Community Affairs and Attorney General is responsible for the *Human Rights Act*. Under this Act, the Human Rights Commission is established and its mandate is to protect human rights in the province. Amendments to the Act were introduced in 1997. The amendments provided a clear definition of who may file a complaint with the Commission. This definition includes anyone, except the Commission or its employees, who believes on reasonable grounds that the Act has been contravened. The Executive Director has expanded powers of investigation and resolution under sections 22 through 24, and there exists a mechanism whereby the Executive Director's decision can be appealed to the Chairperson of the Commission. Under the amendments, the Chairperson is able to convene a hearing before a panel to inquire into the complaint. Such a hearing will be held in public. These amendments were designed to improve the speed and quality of service and to make the Commission more accessible.

## Article 2

### Measures Taken to Prohibit and Eliminate Discrimination

517. The P.E.I. *Human Rights Act* prohibits racial and ethnic discrimination. The Act reflects the fundamental principles of equality set out in the *Universal Declaration of Human Rights*. Sections 2 through 13 of the Act prohibit racial and other forms of discrimination in the areas of services, accommodation, facilities and employment. A person who alleges that they were discriminated against may file a complaint with the Human Rights Commission. The Commission will investigate the complaint, and assist the parties in reaching a resolution. The Commission has the authority to order a legally binding remedy, following a hearing by a panel of the Commission.

518. The Prince Edward Island Human Rights Commission is a provincially funded, arm's-length statutory body. The Prince Edward Island Advisory Council on the Status of Women is another provincially funded arm's-length government agency. Both of these organizations promote racial understanding. The Department of Education also funds or sponsors some programs. In 1997, the Multicultural Council, which currently operates as an umbrella organization for a number of multicultural groups, held meetings with the Prince Edward Island Minister of Education about obtaining provincial funding for multicultural and anti-racism activities. The Women's Network of P.E.I. receives funding through grants from various levels of government, as does the Community Legal Information Association of P.E.I., Inc. Both of these organizations carry out educational programs in the area of racial discrimination, within their mandates.

## Article 4

### Information Regarding Decision 3 (VII)

519. The *Criminal Code of Canada*, a federal statute, applies to the relevant groups and activities. However, the Prince Edward Island *Civil Service Act*, regulation 31(c)(iv) and (d)(i)

prohibits harassment and disreputable conduct. Promoting or advertising racially discriminatory materials would fall under this regulation and would also be contrary to the *Human Rights Act*.

## Article 5

### Equal Treatment Before Tribunals

520. The *Human Rights Act* allows all persons not employed by the Commission to file a complaint. Any act of discrimination before a tribunal would be dealt with on appeal or by complaint under the *Human Rights Act*.

### Economic, Social, and Cultural Rights

521. The Diversity Partnership Project is a federal-provincial initiative to promote employment equity in both the federal and provincial civil service. The aim of the program is to increase knowledge, awareness, and appreciation for employment equity and workplace diversity. Aboriginal persons and visible minorities who are employed within the Civil Service are eligible for the program, which may involve directing individuals to career counselling or arranging for work assignments to enhance skills. In addition to dealing with individual employees, the Project provides employment equity training sessions to managers.

522. In the past year, Employment Development Officers were hired to create public-private partnerships. These partnerships encouraged the training and employment of Aboriginals. The federal government is currently training Aboriginal employees, while the Atlantic Veterinary College will train and employ Aboriginal biotechnicians.

523. The P.E.I. Multicultural Council formed a committee in 1994 to further educate employers and influence policy decisions regarding the hiring of visible minorities. In 1995, the Committee hosted a day of awareness at a federal tax processing centre in Summerside, P.E.I. In 1997, the President of the Multicultural Council made a presentation to the Federal-Provincial Diversity Management Committee on employment equity.

## Article 7

### Education and Teaching

524. In 1995, a race relations consultant was hired under shared funding between the federal and provincial governments to work within the provincial Department of Education. The role of this position is to deal with issues of racism within the provincial school system. In 1997, a steering committee consisting of members from community organizations launched the Women and Race Relations Publication project. The Women's Network of P.E.I. is responsible for producing a book for junior-high-school teachers to use in social studies classes. The book, entitled *Regarding Diversity*, is expected to be completed in 1998. The Prince Edward Island Department of Education is contributing to printing, editing, and other aspects of the publication. The Grade 9 Social Studies curriculum contains a Race Relations unit. The goal of the

publication is to create an educational resource and encourage teachers to use it. Lesson plans and activities will also be prepared. The publication will consist of first-person, experiential stories of Aboriginal women and women from ethnocultural minorities.

525. The Mi'kmaq Family Resource Centre has operated since 1993. The Centre promotes the understanding of Aboriginal culture through school presentations, drop-in play programs for children and parents, and youth groups. Racism is addressed in all of these programs and education is achieved through the sharing of personal experience.

526. The Prince Edward Island Human Rights Commission provides educational pamphlets for the general public, and seminars for university students, government departments, and community groups. The Commission also began work on an Internet home page to provide more complete access to the *Human Rights Act* and other valuable information.

527. The P.E.I. Association for Newcomers to Canada works with schools by providing an *Understanding Others* manual, and an *Immigrant Children's Stories* handbook. The Community Legal Information Association of P.E.I., Inc. publishes pamphlets that deal with discrimination. The Association published *Running a Business: What about Human Rights?* in 1995.

528. On March 21 of each year, the P.E.I. Multicultural Council holds an open house to mark the International Day for the Elimination of Racial Discrimination. For the past three years, a component of the open house has been the Royal Canadian Mounted Police anti-racism contest where students from all Island schools are encouraged to submit poetry, poster, or art entries expressing their feelings and attitudes on anti-racism. Cash prizes are awarded for the best entries. The Council received donations from local businesses to print one of the winning poetry submissions into an anti-racism bookmark. The Premier of Prince Edward Island and the Mayor of Charlottetown, P.E.I., sign a proclamation each year recognizing March 21 as the day for the elimination of racial discrimination.

529. The Prince Edward Island Department of Education participates in the Atlantic Provinces Common Curriculum Project, working with groups from the other Maritime provinces to promote multicultural subject matter. The Department also sponsors yearly workshops for teachers that focus on race relations and multiculturalism. For the past two years, the Department has offered a summer symposium on race relations. In 1995, a multicultural policy was drafted. The Department has an existing, general non-discrimination policy which conforms with the *Human Rights Act*.

## Culture

530. The P.E.I. Association for Newcomers, the P.E.I. Multicultural Council, and the Native Council of P.E.I. all sponsor cultural events. The Multicultural Council sponsors annual festive celebrations and an open house to commemorate the International Day for the Elimination of Racial Discrimination every March 21. Last year, a Chinese New Year open house was included for the first time as one of the festive celebrations. During the past four years, cultural events have included an Asia-Pacific event, multicultural Christmas festivals in smaller Island

communities, and artistic cultural displays. The Multicultural Council also gave workshops on cultural diversity to the RCMP, and placed Black History Month exhibits at two local malls. During the past four years, the Council has distributed *Neighbourly*, a brochure about racial and ethnic misconceptions. The Council prepared Race Relation Study Packages for community groups, sponsored a commemoration of the Holocaust, and sponsored a Jewish culture display. In 1997, the Multicultural Council also offered four ethnicity workshops to university students.

531. In 1997, the Native Council helped establish an Aboriginal Education Committee with the Department of Education. The aim of the Committee is to develop ideas which would ensure that the provincial curriculum accurately portrays Native people, thus reducing misconceptions and discrimination.

### Information

532. The Prince Edward Island Advisory Council on the Status of Women promotes diversity along with racial and cultural sensitivity by advising government on policies that affect women. The Advisory Council also educates the public with the objective of improving conditions for women. The Council has its own library of materials available to the public. The Women's Network of P.E.I. supplies information about race relations through its lending library, and through its *Women and Race Relations* publication project.

533. The P.E.I. Multicultural Council contributes general information through cable television announcements about cultural events, and through articles for local newspapers. The Council has a resource library and is distributing its anti-racism bookmark throughout Island communities. The Human Rights Commission maintains a resource centre that provides legal and historical information relating to discrimination. Staff members are also available to answer questions. Further information is readily available via the Commission's Web page and toll-free phone number.

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## NEWFOUNDLAND

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### General

534. The Department of Environment and Labour is now responsible for the Human Rights Commission.

### Article 2

535. The Public Service Commission has established a Working Group on Employment Equity. One of its main purposes is to develop an employment equity policy for the Newfoundland Public Service for the guidance of managers and employees in ensuring that the rights of various groups, including visible minorities, are respected.

536. The Public Service Commission conducted a Cultural Diversity Awareness seminar which dealt with skills for developing sensitivity to and interaction with people of different cultures. As well, the Public Service Commission sponsored two staff members to attend a seminar on employment equity, entitled "Practical Solutions for the 90's."

537. The Royal Newfoundland Constabulary works actively with the Ethnic-Cultural Association of Newfoundland and Labrador, the Association for New Canadians, and the Police/Visible Minority Relations Steering Committee.

538. In 1993, the Ethnic-Cultural Association of Newfoundland and Labrador presented a seminar on contemporary issues, problems and concerns of visible minorities to members of the Royal Newfoundland Constabulary.

539. In 1993 and 1994, the Royal Newfoundland Constabulary received grants to support the hiring of visible minority persons to work in the Police Services and Crime Prevention sections of the Constabulary.

540. In 1993, the Human Rights Commission and the Training Section of the Royal Newfoundland Constabulary organized a lecture on race relations for Constabulary members.

541. In July 1994, the Training Section of the Royal Newfoundland Constabulary was awarded a \$2,500 grant by the Department of Multiculturalism to purchase equipment to be used for a Two Way Streets - Race Relations Program. The Program is an interactive laser disc training course developed exclusively for operational police officers. In 1995, six members of the Constabulary were trained as instructors for the Program, which is now available for use by all Constabulary members.

542. The Royal Newfoundland Constabulary uses the Association for New Canadians as a facilitator for training.

543. All resource materials available at the Victim Services Program of the Department of Justice have been translated for Innu and Inuit communities.

544. In March 1996, the Royal Newfoundland Constabulary and the Human Rights Commission participated in a seminar entitled, "Hearts of Hate - The Battle for Young Minds." Some of the topics covered were racial gangs, gang recruitment, hate camps, and propaganda.

## **Article 5**

545. In June 1994, the Royal Newfoundland Constabulary entered into a memorandum of understanding with the Miawpukek Tribal Police in Conne River, to allow recruits from the Conne River Police to work with the Patrol Division of the Royal Newfoundland Constabulary for the purpose of receiving training and exposure to police duties.

546. In 1995, the Royal Canadian Mounted Police (RCMP) and the Davis Inlet Band Council entered into an agreement establishing an interim policing arrangement to provide effective, efficient and culturally appropriate policing responsive to the unique needs of the residents of Davis Inlet. The agreement provides for the appointment of employees of the Band Council as peacekeepers and their designation as Peace Officers under paragraph 7(1)(d) of the *Royal Canadian Mounted Police Act*. The peacekeepers work in cooperation with, and under the direction of members of the RCMP. As part of the agreement, the RCMP provides policing training for the peacekeepers and participates in other relevant training initiatives recommended by a committee which was established under the agreement.

547. Amendments to the *Royal Newfoundland Constabulary Act* in 1992 created a new Public Complaints Commission with the mandate to receive and review complaints made by any member of the public against a police officer, to investigate such complaints and, if necessary, refer the complaints to a hearing before an adjudicator.

548. Staff of Adult Corrections have been accessing ongoing cultural diversity training offered by the Public Service Commission. As well, staff in Labrador were provided with cross-cultural awareness training.

549. In 1992, the Human Rights Commission referred two race-related complaints to a Board of Inquiry. The complaints involved the exclusion of two people from membership in the Labrador Inuit Association. The Board ruled in favour of the Labrador Inuit Association. The decision was appealed by the Human Rights Commission but, based on a legal opinion, was later withdrawn.

550. The Newfoundland Human Rights Commission receives few complaints involving discrimination or harassment on the basis of race. Two complaints were filed in 1993, three in 1994, three in 1995, two in 1996, and four in 1997. None of these complaints was referred to a Board of Inquiry. One was settled on a "without prejudice" basis, one was withdrawn, three are ongoing and the remainder have been dismissed.

551. In 1997, the staff of the Newfoundland and Labrador Youth Centre participated in a Cross-Cultural Awareness workshop. The workshop specifically focussed on raising the staff's level of awareness of the particular cultural diversities of the Aboriginal peoples of Labrador and of what is appropriate intervention for Aboriginal youth in a custody facility, and on strengthening the skills that staff require to carry out such programming.

## Article 7

552. The Department of Tourism, Culture and Recreation continues to work with all multicultural groups in the province to ensure their arts and cultural efforts are recognized, encouraged and promoted. The Department has prepared a Heritage Guide which features Aboriginal tourism highlights in the province, focussing on art and craft work from Labrador. The Department is also developing a Viking Millennium Exhibit for the year 2000 that interprets the Norse experience as well as the interchange with Aboriginal peoples.

553. Funding for programs to facilitate Innu or Inuit language education is provided through federal-provincial Native peoples agreements. The Inuit agreement provides a 60/40 percent funding division between federal and provincial governments, while the agreement related to Innu education provides for a 90/10 percent division. Under the terms of the Inuit agreement, specific funding has been provided to the Labrador Integrated School Board and the Pentecostal Assemblies School Board in each of the five years for an Inuktitut language program. Under the Innu agreement, specific funding has been provided for a language program in the communities of Davis Inlet and Sheshatshit in each of the two years of the agreement. These monies are to be used for curriculum development, translation and publication of curriculum materials by staff of the local school board.

554. As a result of the work of the government's Classroom Issues Committee, four booklets have been drafted for use in the primary, elementary, intermediate and senior high-school levels. The booklets deal with student rights and responsibilities as they apply to the existing curriculum; they also promote understanding of appropriate codes of student behaviour in all areas.

555. The Province of Newfoundland and Labrador has recognized March 21 as the International Day for the Elimination of Racial Discrimination. Activities to mark the day have included:

- the signing of a Proclamation recognizing the day;
- an essay project on race relations for junior-high-school students in the province, sponsored by the Human Rights Commission;
- public service announcements and a press release;
- information booths at public places across the city, including the Royal Newfoundland Constabulary headquarters;
- a Cross-Cultural Education Day for students at two high schools;
- an art exhibit by new and Native Canadians at Cabot College; and
- an open house at the Association for New Canadians.

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## PART V: MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES\*

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### YUKON

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#### General

556. Please refer to the Yukon's contribution to Canada's fourth report on the *International Covenant on Civil and Political Rights* and third report on the *International Covenant on Economic, Social and Cultural Rights* for relevant information not repeated in this report.

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\* In geographical order, from west to east.

## Article 2

557. The *Public Service Act*, section 98, provides the legislative authority by which the Public Service Commissioner may, in respect of any position or class, prescribe qualifications which are necessary or desirable having regard to the nature of the duties to be performed, but in doing so, he/she shall not discriminate against any person by reason of race, religion, religious creed, colour, ancestry, or ethnic or national origin.

558. Section 99.1 of the *Public Service Act* provides the legislative authority to implement affirmative action programs that have as their object the amelioration of conditions of disadvantaged individuals or groups and may for that reason employ members of such groups as appropriate.

559. The *Yukon Human Rights Act, 1987* states that special programs and affirmative action are not discrimination. This act enables employers to design programs to reduce disadvantages resulting from past discrimination suffered by a group identified by reference to a prohibited ground of discrimination.

560. In 1990, the Yukon government approved an Employment Equity Policy. The policy document states that the employer's goal is to ensure fairness in accessing employment opportunities and developing a public service which is representative of the Yukon population. The policy applies to all departments of government. The target groups identified in the policy are women, Aboriginal peoples and people with disabilities. Data on visible minorities are regularly collected and monitored. To date, the data show no under-representation. The objectives of the policy are: to achieve an equitable, representative workforce; to identify and remove barriers to employment and advancement; to implement special measures and support programs to remedy a previous disadvantage; and to contribute to fair and equitable access to employment opportunities and benefits of the Yukon government. Employees are surveyed and data are maintained on target group representation. The data are used for planning and supporting employment equity programs that are established to eliminate employment disadvantages. Annual employment equity plans are developed and progress is reported in annual corporate reports for the Yukon government.

561. In 1992, the Yukon government approved a Workplace Harassment Policy. The purpose of the Policy is to establish a workplace that does not tolerate harassment and to maintain a work environment which is free from harassment. This policy applies to all individuals, including casual and contract personnel employed with the Yukon government. Definitions are provided for the types of harassment covered under this policy, including personal harassment, sexual harassment, and abuse of authority. This policy establishes a formal and informal process for making a harassment complaint.

## Article 2

562. The Government of Canada, the Yukon Government and the Council of Yukon Indians signed the Umbrella Final Agreement on May 29, 1993. This framework agreement forms the

basis of negotiation of comprehensive land claim agreements with Yukon's 14 First Nations. This framework includes provision to negotiate self-government agreements to be completed along with the land claim agreements.

563. The Government of Canada, the Yukon Government and four Yukon First Nations (Champagne & Aishihik First Nations, Teslin Tlingit Council, First Nation of Nacho Nyak Dun, and the Vuntut Gwitchin First Nation) signed final and self-government agreements on May 29, 1993. These agreements include implementation plans and funding arrangements to support the obligations of all parties in the activities that arise from the agreements.

564. On February 14, 1995, the Yukon government proclaimed legislation that brings the final and self-government agreements reached to date into effect. This date represents a major milestone in Yukon's history marked by the new relationship between governments and First Nations as expressed through these agreements. The self-government agreements describe a new order of government in the Yukon and move the territory into a new era of governance.

565. In 1995, the Yukon government approved its First Nations Relations Policy (#1.12). The purpose of this policy is to ensure that Yukon government activities are carried out in a manner that will foster constructive relationships with First Nations. This policy articulates nine principles under the headings of: Aboriginal rights; jurisdiction and responsibility; effective government; and, reciprocity and community relations. Of particular interest is the Yukon government's support for the constitutional recognition of negotiated self-government arrangements.

566. In 1995, following the release of the federal policy guide on Aboriginal self-government, the Yukon, Canada and Yukon First Nations established a common table to negotiate self-government arrangements that can be protected under section 35 of the *Constitution Act, 1982*. These negotiations continue with the objective to have a new form of self-government agreement and associated federal and territorial legislation as soon as possible.

567. In 1996, the Government of Canada and the Yukon Government completed negotiations with two First Nations. The Little Salmon/Carmacks First Nation and the Selkirk First Nation are in the process of ratifying their final and self-government agreements. Once ratified by the parties, these agreements will likely come into effect in 1997. Negotiations with the remaining Yukon First Nations are actively progressing towards completion of all 14 Yukon First Nation final and self-government agreements by the end of 1999.

568. Early in 1997, the Yukon Government signed protocol agreements with all Yukon First Nations and key transboundary claimant groups. These agreements describe a new cooperative government-to-government relationship that will move the territory towards assuming control over provincial-like programs. The parties make a strong commitment to actively work towards the completion of all land claim and self-government agreements while also jointly negotiating with the federal government on devolution of federal programs to both the Yukon Government and Yukon First Nations.

## Article 5

569. Section 182 of the *Education Act* and section 161 of the *Public Service Act* provide leave without pay for employees proposing to become a candidate in an election pursuant to the *Canada Elections Act* or the *Elections Act* (Yukon).

570. Section 183 of the *Education Act* provides for employees to engage in political activity in a federal or Yukon election whether or not a writ of election has been issued. Political activity includes speaking, writing or working on behalf of a candidate or a political party.

571. The Public Service Commission has a Time Off for Elections policy which provides employees with time off with pay, if required, to cast their votes in federal, territorial or municipal elections.

572. The collective agreement between the Yukon government and the Yukon Teacher's Association states that leave with pay will be granted with pay deducted at cost for substitute, to participate in specific religious holidays (i.e., other than Sabbath or equivalent).

573. Please see items one to three noted under Article 1.

574. Equal pay for work of equal value under the *Human Rights Act* applies to Yukon and municipal governments. The Yukon government has a job evaluation system that is based on the principle of equal pay for work of equal value and an adjustment was made in 1986 to some employees' compensation to achieve equal pay.

575. The *Public Service Staff Relations Act* provides for employee organizations or a council of organizations to apply in the prescribed manner for certification as a bargaining agent for a bargaining unit.

576. Training programs are provided to Yukon government employees on valuing and managing diversity and differences in the workplace.

577. The Leave Without Pay Policy provides employees with the opportunity to take leave without pay to fulfill family, cultural, civic and volunteer roles within the community. The leave is designed to recognize and accommodate the needs of employees in the workplace. This leave permits employees to participate in work-related and non-work-related activities without losing status as an employee.

578. In December 1990, the Yukon Territorial Government passed the *Health Act* which guides all that the Department of Health and Social Services does. The Act incorporates the following six principles: prevention of illness and injury and the promotion of healthy behaviour; the integration of health programs and services with social programs and services; the partnership of individuals, groups, communities, Aboriginal groups and governments in planning, evaluation and implementation; the accessibility of programs and services to individuals and groups; the cultural sensitivity and responsiveness of policies and systems; the accountability of health and

social policy decision-makers so that health and social policies and the system will be responsive to the needs of the residents of the Yukon. Other provisions of the Act recognize and respect Aboriginal traditional healing practices and protect client rights. The Act also provides for advisory committees.

### Article 7

579. The Department of Health and Social Services provides a number of services that are responsive to the needs of individuals and communities. Some of the services that reflect the cultural diversity of the community are as follows:

- The Child Protection Unit has entered into joint initiatives with First Nations concerning child protection.
- Foster Care Services is actively involved with First Nations to find culturally appropriate homes for First Nation children.
- The Adoption Services Unit works closely with First Nations during the assessment and placement process to place First Nation children in culturally appropriate homes.
- Wherever possible, First Nation children in care and custody are placed with relatives or families of their First Nation. The Unit works with First Nations after placement to ensure children have regular contact with their families and members of the community.
- Youth Services provides programs that are designed so youth can gain a sense of connection with and pride in their respective cultures. Youth learn traditional/historical definitions and meanings of concepts, trust, responsibility and leadership. Culturally appropriate drug/alcohol and solvent abuse information programs are aimed at Aboriginal youth.
- The First Nations Health Committee was established under the direction of the Hospital Board. The Committee deals with matters of specific concern to First Nations people, such as diet, traditional healing and employment equity.
- Under the *Health Act*, the Health/Youth Investment Funds have provided financial assistance for the promotion of First Nations cultural camps, healing conferences, children's camps and parenting projects.
- Information brochures, pamphlets, certificates and forms used in the Department are available in both official languages. Should information be required in an Aboriginal language, a request can be made to Aboriginal Language Services for translation.

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## NORTHWEST TERRITORIES

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### Article 7

580. Within the Northwest Territories school curriculum, the subject called Social Studies provides the framework for study relating to human rights and freedoms. The promotion of understanding, tolerance and friendship among nations and racial and ethnic groups is at the core of the Social Studies curriculum, which states that the principles underlying a just and fair society for all should be embedded in the daily practices of the classroom and the actions of teachers and students.

581. School teachers in the Northwest Territories are also encouraged to combat, on a daily basis, prejudices which lead to racial discrimination.

582. In June 1995, a new *Education Act* for the Northwest Territories was passed. It came into force on July 1, 1996. Several sections of the Act seek to promote understanding and tolerance among different cultural groups. The Preamble to the Act includes statements recognizing the multicultural heritage of Canada, the rights and freedoms of every individual and the constitutional rights of the Aboriginal peoples of the Northwest Territories.

583. Paragraph 22(1)(d) of the Act directs that a student has the responsibility to be respectful of the cultural, spiritual or religious beliefs of others while on school premises.

584. In addition, subparagraph 45(1)(c)(ii) of the Act directs that every teacher shall, respecting the students under his or her care and instruction, implement the education program and individual education plans in a way that encourages the development of students' self-respect, dignity and self-esteem and that encourages students to respect other students' cultural and spiritual or religious values and beliefs.









Government  
of Canada

Gouvernement  
du Canada

Government  
Publications

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# International Convention on the Elimination of All Forms of Racial Discrimination

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**Fifteenth and Sixteenth Reports of Canada**

covering the period  
June 1997 - May 2001



Canada



## FOREWORD

The *International Convention on the Elimination of All Forms of Racial Discrimination* was adopted by the United Nations General Assembly on December 21, 1965. Canada ratified the Convention on October 14, 1970.

State Parties are required to report to the United Nations on measures they have taken to give effect to the Convention. The combined Fifteenth and Sixteenth Report was submitted to the Committee on the Elimination of Racial Discrimination on September 22, 2003, and covers the period of June 1997 to May 2001. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Convention.

Through publication of this report, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Convention and to broaden their understanding of the obligations contracted by Canada through ratification of this important international treaty.

Copies of the report are available in both official languages and may be obtained free of charge from the Human Rights Program of the Department of Canadian Heritage. This report is also available on the Human Rights Program Web site at: <http://www.pch.gc.ca/progs/pdp-hrp/>.

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\* In geographical order, from west to east.



## Introduction

1. This document constitutes the combined Fifteenth and Sixteenth Report of Canada on the *International Convention on the Elimination of All Forms of Racial Discrimination* (hereinafter the Convention). The information in these reports covers the period from June 1997 to May 2001. Any information not falling within that period is indicated in the report. Information provided in previous reports is not repeated in this document, but updates are included where significant change has occurred.
2. This report contains information on legislation, policies and programmes adopted by the federal, provincial and territorial governments to combat racial discrimination in their respective areas of jurisdiction during the period under review. It updates previous reports under this Convention. These reports may be obtained through the Human Rights Program of Canadian Heritage Web site address at:  
[http://www.pch.gc.ca/progs/pdp-hrp/index\\_e.cfm](http://www.pch.gc.ca/progs/pdp-hrp/index_e.cfm) .
3. In preparing this document, consideration was given to the Concluding Observations issued by the Committee on the Elimination of Racial Discrimination after the review of Canada's 11<sup>th</sup> and 12<sup>th</sup> reports. The Committee reviewed Canada's 13<sup>th</sup>/14<sup>th</sup> report in August 2002 and issued further observations on August 23 of the same year. However, as many jurisdictions had already completed their submissions for the combined 15<sup>th</sup>/16<sup>th</sup> report, and as the period under review for this report concludes with May 2001, Canada will consider and respond to the Committee's latter observations in its next report, which will cover the period of June 2001 through May 2004.
4. Information in the report is divided into four parts. The first part includes general information on the demographic and linguistic characteristics of the Canadian population in order to illustrate Canada's multiethnic, multiracial and multilingual diversity. The second part includes an analysis of case law and national laws that aim to combat racial discrimination in the country. The third part comprises of an examination of measures adopted by the Government of Canada to combat racism in all sectors of society. Finally, the fourth part indicates measures adopted by each province in Canada to combat racial discrimination in their respective jurisdictions.
5. While the Convention does not specifically refer to indigenous people, this report continues the practice of covering aspects of the situation of the Aboriginal peoples of Canada that are relevant to the Convention. It must be emphasized, however, that Aboriginal peoples are not considered to be an "ethnic group" by either Aboriginal

peoples themselves or the federal government. Emphasis is accorded the unique situation of Aboriginal peoples as Canada's original inhabitants and affirms their special relationship with the State, based on unique entitlements.

6. Descriptions of the *Employment Equity Act* and associated implementation policies and programmes refer to the term "visible minorities", which is defined as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour". Statistics Canada also uses this term in the collection of census data. However, it should be emphasized that in general, policies, programmes and laws implementing measures against racial discrimination are not restricted to those groups covered by the *Employment Equity Act* definition. For example, as indicated under article 4 of this report, *Criminal Code* provisions prohibiting hate propaganda use the term "identifiable group", that is, any section of the public distinguished by color, race, religion or ethnic origin.

# **PART I**

## **General Information**

7. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Prince Edward Island, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec, Saskatchewan and Newfoundland) and three territories (Northwest Territories, Yukon and Nunavut). While the ratification of international treaties falls under federal jurisdiction, their implementation includes the participation of all levels of government in Canada, as issues covered by the Convention are under joint federal, provincial and territorial jurisdiction.
8. The federal government has adopted an array of laws that aim to eliminate social inequalities while combatting all forms of discrimination in the country. These include the *Canadian Charter of Rights and Freedoms* and other provisions of the *Constitution Act, 1982*, the *Canadian Bill of Rights*, the *Canadian Human Rights Act*, the *Canadian Multiculturalism Act*, the *Employment Equity Act*, the *Canada Labour Code*, the *Public Service Staff Relations Act*, the *Public Service Employment Act* and the *Criminal Code of Canada*. Apart from these acts, a wide range of policies and programmes are implemented by the governments in order to combat exclusion and social marginalization resulting from all forms of discrimination.
9. Provincial and territorial governments have also adopted extensive legislation, programmes and policies which ensure the implementation of the Convention in their jurisdictions. These are detailed in Part IV of this report.

### Demographic analysis of Canadian diversity

10. Canada continues to be recognized internationally as a multicultural, multiethnic and multiracial society, whose diversity is both demographic and social. In the 1996 census<sup>1</sup>, approximately 42 percent of Canadians reported being from at least one background other than French, British or Aboriginal. Visible minorities account for 11 percent (3,197,480 individuals) of the total population in Canada. Of this number, 17.9 percent reported being Black (or 573,860 persons), 21 percent reported being South Asian (or 670,585 persons), 26 percent reported being of Chinese origin (or 860,150 persons), 2 percent reported being of Korean descent (or 64,835 persons), 2 percent reported being Japanese (or 68,130), 5.4 percent reported being from South-East Asia (or 172,765 persons), 7.3 percent reported being from the Philippines (or 234,195 individuals), 7.7 percent reported being Arabic / West Asian (or 244,660 persons), 5.5 percent reported being Latin-American (or 176,975 individuals), and approximately 2 percent reported being from multiple visible minority backgrounds.
11. An examination of the demographic profile of Canadian provinces indicates that visible minorities represent approximately 1 percent of the populations of Newfoundland (or

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<sup>1</sup> Data from the 2000 Census was not available at time of writing and will be included in the next report.

3,815 inhabitants), Prince Edward Island (1,520 persons) and of New Brunswick (3,840 persons), 3 percent of the population of Nova Scotia (31,320 persons), 6 percent of the population of Quebec (433,985 persons), 15 percent of the population of Ontario (1,682,045 persons), 7 percent of the population of Manitoba (77,355 persons), 17.9 percent of the population of British Columbia (660,545 persons), 3 percent of the population of the Yukon (1,000 persons), 2 percent of the population of the Northwest Territories (1,670 persons), approximately 3 percent of the population of Saskatchewan (26,950 persons) and 10 percent of the population of Alberta (269,280 persons).

12. In large urban cities in Canada, 1996 census data indicates that 401,425 members of visible minorities live in Montreal (12 percent of the city's total population), 115,460 in the Ottawa-Hull region (11.5 percent of the population), 1,338,095 in Toronto (approximately 31 percent of the city's total population), 73,315 in Winnipeg (approximately 11 percent of the city's total population), 10,355 in Regina (approximately 5 percent of the city's total population), 127,555 in Calgary (approximately 15 percent of the city's total population), 115,435 in Edmonton (13 percent of the city's total population) and 564,595 members of visible minorities in Vancouver (31 percent of the city's total population).
13. Women make up a significant portion of visible minorities in Canada. In fact, 1996 census data shows that 51 percent of the total visible minority population in Canada are women (i.e., 1,631,925 women out of 3,197,480 members of visible minorities). In addition, at the provincial level, Statistics Canada data indicates that women represent approximately 47 percent of visible minorities in Newfoundland (1,785 persons), 52 percent of visible minorities in Prince Edward Island (785 persons), 51 percent of visible minorities in Nova Scotia (16,005 persons), 48 percent of visible minorities in New Brunswick (3,840 persons), 50 percent of visible minorities in Quebec (217,600 persons), 51 percent of visible minorities in Ontario (862,425 persons), 50 percent of minorities in Manitoba (38,925 persons), 49 percent of visible minorities in Saskatchewan (13,225 persons), 50 percent of visible minorities in Alberta (136,390 persons), 51 percent of visible minorities in British Columbia (339,600 persons), 49 percent of visible minorities in the Yukon (490 persons) and 51 percent of visible minorities in the Northwest Territories (855 persons).
14. An overview of the country's demography indicates that there are 608 First Nations in Canada, comprising 52 different peoples. Census data from 1996 also reveals that Canadians of Aboriginal descent<sup>2</sup> make up 2.8 percent of the country's population, a total

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<sup>2</sup> According to Statistics Canada, the word "Aboriginal" is defined as follows: "...those persons who reported identifying with at least one Aboriginal group, i.e. North American Indian, Métis or Inuit and/or those who reported being a Treaty Indian or a Registered Indian as defined by the *Indian Act of Canada* and/or who were members of an Indian Band or First Nation."

of 799,010 individuals<sup>3</sup>. Of this number, 69 percent reported being North American Aboriginal (554,290 individuals), 26 percent reported being of Métis descent (203,640 persons) and 5 percent identified themselves as Inuit (41,080 people). Also, 1996 census results show that 4.4 percent of the total population in Canada have Aboriginal ancestors.

15. Of the 799,010 Aboriginal people, a total of 488,040 individuals reported being Registered Indians as defined by the *Indian Act*. Of these 488,040 people, 46.6 percent (227,285 individuals) live on reserves, while 53.4 percent (260,755 individuals) live off reserves.
16. At the provincial level in Canada, the Aboriginal population represents 2.6 percent of Newfoundland's population (14,200 persons), approximately 1 percent of Prince Edward Island's population (950 persons), 1.4 percent of the population of Nova Scotia (12,380 individuals) and New Brunswick (10,250 individuals), 1 percent of Quebec's (71,415 persons) and Ontario's (141,520 persons) populations, 11.7 percent of the population of Manitoba (128,680 individuals), 11.4 percent of the population of Saskatchewan (111,245 persons), 4.6 percent of Alberta's population (122,835 people), 3.8 percent of British Columbia's population (139,655 individuals), 20 percent of Yukon's population (6,175 persons), 62 percent of the population of the Northwest Territories (39,690 individuals) and 85 percent of Nunavut's population (20,690 persons). Census data from 1996 also indicates that Ontario has more North American Indians than any other province in Canada. Alberta, however, has the largest Métis population in the country, while the Northwest Territories have the largest Inuit population.
17. According to Statistics Canada's forecasts, the country's proportion of adult members of visible minorities is expected to double by 2016. Consequently, federal policies and programmes designed to promote multicultural, multiethnic and multiracial diversity are particularly important for their development and Canada's evolution on a national and international scale.

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<sup>3</sup> Data from Statistics Canada indicates that the total number of North American Aboriginal people, Inuits and Métis is greater than the total number of Aboriginal people in Canada because 6,415 individuals reported being part of more than one group. In addition, single and multiple responses were calculated together.

## **PART II**

### **Jurisprudence of National Application**

## General

18. As described in the Core Document, Canada's Constitution includes the *Canadian Charter of Rights and Freedoms*. Section 15 of the Charter prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. While Section 15 lists a limited number of grounds under which discrimination is prohibited, the Supreme Court of Canada has held that the list is not exhaustive and that other distinctions based on analogous grounds are subject to review.
19. Section 15 also contains a feature which enhances the capacity of governments to enact special measures in favor of disadvantaged individuals or groups. It reads:

(2) Subsection (1) does not preclude any law, programme or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

## Article 2: Equality Rights and Non-Discrimination

20. Although neither of the following two cases deal with racial discrimination, they set out important tests for equality jurisprudence in Canada. In *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 S.C.R. 497, the Supreme Court of Canada synthesized previous equality Charter jurisprudence to set out a general test for s. 15 of the Charter. *Law* dealt with the issue of whether age requirements for survivor benefits constituted discrimination. The Court stated that the purpose of s. 15 (1) was to "prevent the violation of essential human dignity and freedom through the imposition of disadvantage, stereotyping, or political or social prejudice, and to promote a society in which all persons enjoy equal recognition at law as human beings or as members of Canadian society, equally capable and equally deserving of concern, respect and consideration."
21. In *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union (BCGSEU)*, [1999] 3 S.C.R. 3, a woman challenged the validity of the employment fitness test for firefighters on the basis of sex discrimination under the British Columbia *Human Rights Code*. In holding that the fitness test was discriminatory, the Supreme Court unified an approach under human rights legislation so that the same test is used in both direct and adverse effect discrimination. The unified approach is intended to develop standards to accommodate the potential contributions of all employees in so far as this can be done without undue hardship to the employer. There have also been a number of developments in aboriginal law over the relevant period.

## Charter Challenges

22. In *Corbière v. The Queen*, [1999] 2 S.C.R. 203, the Supreme Court of Canada ruled that the *Indian Act* voting restriction to only on-reserve residents violated the section 15 equality guarantee under the Charter and that it was not justified under section one of the Charter. The Court found that the voting restriction constituted discrimination by denying off-reserve members the right to participate fully in Band governance matters which affect their interests. According to the Court, what is required is a mechanism that would respect non-residents' rights to meaningful and effective participation in the voting regime of the community but would also recognize the somewhat different interests of residents and non-residents. In order to permit the Crown to consult with appropriate stakeholders, the Court granted an 18-month suspension of the striking out of the restriction on voting to only on-reserve Band members.
23. The federal Crown intervened in *Lovelace v. Attorney General of Ontario*, [2000] 1 S.C.R. 950, which involved a claim by various off-reserve Aboriginal groups that the province's scheme to share the revenues from a casino located on a reserve with only on-reserve Indians violates the equality provisions of the *Canadian Charter of Rights and Freedoms*. The Supreme Court of Canada ruled that Ontario is not violating the Charter's equality guarantee by sharing those particular casino profits with Indian Bands only and not including the off-reserve, non-status and Métis groups.

## Treaty Issues

24. In *R. v. Badger*, [1996] 1 S.C.R. 771, members of the Sturgeon Lake Band in Alberta were charged under Alberta's *Wildlife Act* for hunting for food on unoccupied private lands without a licence. The Supreme Court of Canada ruled that Treaty 8 grants a right to Indians to hunt on private lands that are not being put to a visible use incompatible with hunting. The Court upheld the Crown's power to unilaterally extinguish Aboriginal and treaty rights, at least in the pre-1982 context. Where the Natural Resources Transfer Agreement (NRTA) evinces a clear intention to do so, the NRTA modified, altered or extinguished treaty rights. However, in this instance, the NRTA does not affect the treaty right to hunt on unoccupied private lands, which are not being put to a use incompatible with hunting.
25. Of further interest, the Supreme Court of Canada reiterated principles of treaty interpretation established in prior decisions i.e. ambiguities in historical treaties are resolved in favour of the Aboriginals peoples, the onus on establishing extinguishment of treaty rights falls on the Crown, treaties represent exchanges of solemn promises between the Crown and First nations and their nature is sacred. Additionally, the Court clarified

that the *Sparrow* justification test applies not only to infringement of Aboriginal rights, but infringements of treaty rights. In this regard, the Court held that reasonable safety regulations do not infringe Aboriginal or treaty rights to hunt for food.

26. The Supreme Court of Canada ruled in *R. v. Marshall*, [1999] 3 S.C.R. 456, that there is an implied term in the Treaties of 1760-61 granting to the Mi'kmaq signatories a right to engage in traditional resource harvesting activities, including for the purposes of sale, to the extent required to provide them a moderate livelihood. In the course of the judgment, the Court clarified some important principles of evidence relating to the interpretation of Aboriginal peoples historical treaties. In particular, the Court expressly rejected its earlier pronouncement in the *Horse* case that treaties are to be interpreted without resort to intrinsic evidence where the treaty terms are unambiguous.
27. One month after the *Marshall* decision, the Supreme Court of Canada, in the course of dismissing an application for a rehearing of the case, *R. v. Marshall* [1999] 3. S.C.R. 533, clarified several important aspects relating to its prior decision. The Court stressed that the treaty right does not belong to the individual but is exercised by the local community. The Court also emphasized that, in its earlier judgment, the only treaty right which had been established was in relation to fishing, hunting and traditional gathering activities such as wild berries and fruit. With respect to what resources are covered by the treaty, the Court stated that any extended interpretation of the term "gathering" so as to include logging and minerals, would have to be established by the Aboriginal claimant in another case. The exercise of the treaty harvesting right is limited to the area traditionally used by the local community. With respect to the justified infringement of the treaty harvesting right, the Court stressed that the Crown can accommodate the historical involvement by non-Aboriginal persons in the resource industry in regulating the treaty right.

### **Aboriginal Rights and Fiduciary Obligation Issues**

28. *R. v. Van der Peet*, [1996] 2 S.C.R. 507, involved the question of whether section 35 of the *Constitution Act, 1982* includes, as an aboriginal right, a right to fish commercially. The Court outlined the test for identifying aboriginal rights protected under section 35. Essentially, an aboriginal group must establish that, at time of contact with Europeans, the particular activity claimed as an aboriginal right was a practice, tradition or custom that was integral to the society's distinctive culture.
29. Applying the above test to the facts of the cases, the Court ruled that the accused in *R v. Gladstone*, [1996] 2 S.C.R. 723 had established an aboriginal commercial fishing right. Other considerations, apart from conservation goals, are to be taken into account in determining whether governmental restrictions were justified. Objectives such as the pursuit of economic and regional fairness, as well as, the historic non-native participation

in the fishery are relevant objectives in the context of the justification analysis. Aboriginal rights have to be given priority but they also have to be reconciled with other rights and interests.

30. *Delgamuukw v. Attorney General of British Columbia*, [1997] 3 S.C.R. 1010, involved a claim by the Gitskan and Wet'suwet'en hereditary Chiefs for Aboriginal title and an inherent right to self-government over 22,000 square miles of British Columbia. The Supreme Court of Canada ruled that, due to evidentiary problems with the case, a new trial is required to determine whether the plaintiffs enjoy the claimed Aboriginal title and self-government rights. While not providing any guidance on the issue of rights of self-government, the Court made general pronouncements on the scope and content of Aboriginal title. In essence, if an Aboriginal group can establish that, at time of sovereignty, it exclusively occupied a territory to which a substantial connection has been maintained, then it has the communal right to exclusive use and occupation of such lands. The Aboriginal group can use the lands for far ranging purposes including economic exploitation. The only limitations are that the lands cannot be disposed of without surrender to the Crown nor can they be used in such a fashion that would destroy the Aboriginal group's special bond with the land. The Court also ruled that both the federal and provincial Crown can justifiably interfere with an Aboriginal group's Aboriginal title. However, the Court rejected the province's counterclaim regarding provincial power to extinguish Aboriginal rights in finding that, since Confederation, only the federal Crown has such a power. The Court stressed that consultation is always required when Aboriginal title might be infringed.

## Article 4 : Prohibition against promotion of racism

31. In *R. v. Harding* (2001), 52 O.R. (3d) 714, aff'd Dec. 17, 2001, the Ontario Court of Appeal upheld the accused's conviction of wilful promotion of hatred under s. 319(2) of the *Criminal Code*. The accused had distributed pamphlets and a telephone message which expressed the views that Muslims, as a group, are dangerous people, capable of acts of violent terrorism and cruelty, that they pose a threat to other faiths and that it is the objective of Canadian Muslims to overtake the country. The trial judge found that the accused was wilfully blind to the fact that the promotion of hatred was a substantially certain consequence of his acts. The Court of Appeal held that wilful blindness meets the mens rea requirement for the offence of wilful promotion of hatred that justifies the violation of freedom of expression under s. 2(b) of the *Canadian Charter of Rights and Freedoms*.
32. In *R. v. Upson*, [2001] N.S.J. No. 189 (Q.L.) (N.S.C.A.), the dismissal of the accused's appeal on her conviction of uttering threats to cause bodily harm or death to members of the black community contrary to s. 264.1(1)(a) of the *Criminal Code*. Proceedings

against the accused with respect to the charge of threatening bodily harm or death to a minister were conditionally stayed because of the rule against multiple convictions for the same delict.

33. Two companion cases, *Canadian Jewish Congress v. North Shore Free Press Ltd.* (1998), 30 C.H.R.R. D/5 (B.C. Tribunal) and *Abrams v. North Shore Free Press Ltd.* [2001] B.C.H.R.T. No. 43, dealt with the publication of articles alleged to expose Jewish persons to hatred and contempt under the *Human Rights Code* of British Columbia. In *CJC v. North Shore*, the BC Tribunal held that s. 7(1)(b) of the British Columbia *Human Rights Code* is valid under the *Canadian Charter of Rights and Freedoms*. However, the Tribunal held that the publication of one article by North Shore Free Press did not violate s. 7(1)(b) since the content was not so extreme as to be hateful. In *Abrams*, the Tribunal held that there was a violation by Doug Collins and North Shore News of s. 7(1)(b) of the B.C. by the publication of four articles similar in content. Mr. Collins and North Shore News were ordered to cease publication of the articles, pay \$2000 in compensation to Mr. Abrams and publish a summary of the decision.

## Article 6 : Effective protection and remedies

34. In *R. v. Miloszewski*, [1999] B.C.J. No. 2710, the British Columbia Provincial Court convicted five accused of manslaughter. In the sentencing decision, the judge took into consideration the racist motivations for the manslaughter of a Sikh man on the grounds of his temple, "What can be achieved by what I am doing today is to send a loud, clear and unequivocal message, not only to these five accused but to others that share their views, that if they commit acts of violence against any persons or property out of hatred they will be condemned and punished severely."

## **PART III**

### **Measures Adopted by the Government of Canada**

## Article 2 : Policy and programme initiatives

### Aboriginal Issues

35. In 1998, Canada responded to the report of the Royal Commission on Aboriginal Peoples with *Gathering Strength - Canada's Aboriginal Action Plan*, a fully integrated, long term government-wide strategy designed to improve the quality of life for Aboriginal people and promote self-sufficiency. The strategy envisions a new partnership between Aboriginal people and other Canadians; the long term goal is to work together to ensure that Aboriginal people enjoy a quality of life comparable to that of other Canadians.
36. The Government of Canada also offered the *Statement of Reconciliation* as an element of *Gathering Strength*, which acknowledged its role in the development and administration of the residential school system. To the victims who suffered physical and sexual abuse at residential schools, the Government said that it is deeply sorry. In December 2000, an apology was also delivered to the Nuu-chah-nulth people of British Columbia to demonstrate Canada's commitment to reconciliation and healing.
37. As part of *Gathering Strength*, the government committed \$350 million in support of a community-based healing strategy to address the healing needs of individuals, families and communities arising from the legacy of physical and sexual abuse at residential schools. In May 1998, the Aboriginal Healing Foundation was formally launched. The Foundation was created to design, implement and manage the healing strategy, including providing financial support to eligible community-based healing initiatives that complement existing Aboriginal and government programmes. It is an Aboriginal-run, non-profit corporation which operates at arm's length from the Government, and funds proposals from First Nations, Inuit and Métis affected by the legacy of physical and sexual abuse in the residential school system. As of May 2001, 2008 applications had been received by the Foundation. Of these, 463 have been approved and funded, 161 are conditionally approved, awaiting signed agreements, and over 300 more are currently being processed.
38. The priorities outlined in *Gathering Strength* were refined with the January 2001 *Speech From the Throne*, which outlined a commitment to strengthening Aboriginal entrepreneurship and business expertise to bring about strong, self-sufficient Aboriginal communities. The Government pledged support for Aboriginal communities in strengthening governance, and promised to work to ensure that basic needs are met for jobs, health, education, housing and infrastructure.
39. Indian and Northern Affairs Canada (INAC) offers a range of national programmes which support greater Aboriginal participation in the Canadian economy. In May 2000, INAC

made available an additional \$75 million for strategic investments in economic development for the fiscal year 2000-01 and pledged a further \$25 million for the fiscal year 2001-02; increasing total funding for economic development to \$100 million and approximately \$120 million respectively. INAC's main approach is to work in partnership with Aboriginal people, as well as the private sector, provincial/territorial and municipal governments, and other partners to enhance First Nations and Inuit access to capital and natural resources, provide skills training and workforce experience, and assist Aboriginal businesses take advantage of economic development opportunities.

40. Since 1989, Aboriginal Business Canada, part of Industry Canada, has been dedicated to working with Aboriginal entrepreneurs to promote the development, competitiveness and success of Aboriginal business in Canadian and world markets. There are over 20,000 Aboriginal businesses in Canada, active in every sector of the economy. Aboriginal Business Canada has worked with over 5,000 firms, providing financial and non-funded support. Programme investments of over \$300 million have led to an infusion of almost a billion dollars into the Aboriginal private sector. A 1996 study found that in the 1,341 firms studied, including start-ups, expansions, modernizations, and acquisitions (each with at least two full years of operation), the equivalent of 5,875 full-time jobs were provided for Aboriginal and non-Aboriginal Canadians.
41. Canada also has numerous programmes designed to promote and protect Aboriginal culture. These are detailed in Canada's report under the *International Covenant on Economic, Social and Cultural Rights*.

### **Treaty Issues and Comprehensive Claims**

42. The Government of Canada notes the concern expressed by the Committee regarding the length of time it is taking to further define aboriginal rights to land and resources across Canada. The modern treaties negotiation process often involves the resolution of fundamentally different conceptions of the nature of Aboriginal rights held by Aboriginal groups and governments. Negotiating modern treaties includes building trust between the parties, a process which cannot occur through a hurried process. Court decisions often result in all parties re-examining mandates and changing approaches to negotiations. The items negotiated are complex and cannot be concluded in a hasty or arbitrary fashion. Third party consultations and negotiations are time-consuming and necessary. Changes in government at the federal, provincial and First Nations levels occur with regularity during the negotiation process and generally slow the pace of negotiations. Finally, litigation brought on by Aboriginal groups can, under certain circumstances, result in the suspension of negotiations.
43. There are several strategies currently being used to expedite the claims settlement process, including interim arrangements and treaty related measures (tools which allow

interim access to resources or deal with critical issues that may be reflected in future treaty arrangements), and holding federal surplus crown lands for eventual inclusion in a final settlement. INAC has also initiated and supported the Negotiations Preparedness Initiative, which enhances the capacity and expertise of Aboriginal groups who have asserted a land claim to prepare for negotiations on the land and resource components of their comprehensive claim settlements.

44. In 1999, the creation of Nunavut transformed the map of Canada. One fifth the nation's land mass, Nunavut is formed from 2 million square kilometres carved out of the eastern and central sections of the vast Northwest Territories. The population of the new territory is 85 percent Inuit. The 1993 Nunavut Land Claim Agreement was a pivotal step leading to the creation of the territory. Training and development of public servants started following the implementation of the Land Claim Agreement, and such programmes continue to be a driving force in Nunavut's evolution to self-sufficiency. The Government of Canada committed about \$40 million for the recruitment and skills upgrading of Nunavut public service employees.
45. In February 2001, the Government of Canada announced a long-term process to address issues raised by the decision in the Marshall case; a decision which potentially affects 34 Mi'kmaq and Maliseet First Nations in the Atlantic region. The Government of Canada, the provinces and Aboriginal peoples have met on different occasions to discuss the effects of this ruling. The proposed long-term processes would give the parties the opportunity to explore issues fundamental to their relationship, and would hopefully lead to agreements setting out the scope and nature of Mi'kmaq and Maliseet First Nations' potential rights to land, resources and self-government. The federal government continues to be open to discuss and design processes for negotiations leading to final agreements and implementation plans which would address the circumstances, needs and interests of all involved parties. A complementary initiative is being carried out by Fisheries and Oceans Canada (DFO) to facilitate the immediate participation of First Nations affected by the Marshall decision in the commercial fishery.
46. The British Columbia Treaty Commission (BCTC) - an impartial, arms-length organization responsible for co-ordinating treaty negotiations - continues to operate and provide dispute resolution assistance when requested. The treaty negotiation process is open to all First Nations in British Columbia, and there is no requirement for a First Nation to demonstrate continuing use of resources in order to begin negotiations.
47. To date, 53 First Nations (127 Aboriginals groups), representing over 70 percent of BC's Aboriginal population, are negotiating treaties. Of these, four are in early stages of negotiations, four are negotiating a framework agreement, 43 are negotiating an agreement-in-principle, and one is in negotiations to finalize a treaty. In March 2001, two First Nations, the Nuu-chah-nulth Tribal Council and the Sliammon First Nation,

initialled agreements-in-principle with Canada and British Columbia, but community votes held after initialling did not support ratification.

48. The BCTC's most recent annual report indicates that while there is a solid foundation for treaty making in British Columbia, urgent action is necessary if treaty making is to survive growing public skepticism, First Nation's disapproval and a province-wide referendum on the British Columbia government's guiding principles for treaty negotiations. The BCTC has called for an "incremental approach" to treaty-making in British Columbia in which all parties would negotiate more interim protection measures, intensify high level talks on major issues common to all tables, negotiate "slim" agreements in principle, give priority to governance initiatives, and allow First Nations "time-outs" to develop their governance and vision. All parties to the BC treaty process announced that these recommendations would form the starting point for discussions on how to reinvigorate the process.
49. Progress on comprehensive claims is also being made elsewhere. Fourteen comprehensive claim agreements have been signed since the announcement of the federal government's claims policy in 1973. In 2000, Royal Assent was given to the *Nisga'a Final Agreement*. This agreement sets aside 2,019 square kilometres of the Nass River Valley in British Columbia as Nisga'a Lands and establishes a Nisga'a Central Government with jurisdiction similar to that of other local governments. The Nisga'a will own and have rights to natural resources, and will receive \$253 million over 15 years. The land and resource components of the Agreement, combined with enhanced local decision-making powers, will allow the Nisga'a to be more self-reliant and participate more fully in the economy.

## Specific Claims

50. A specific claim exists when a First Nation establishes that its grievance gives rise to a lawful obligation through: the non-fulfilment of a treaty or another agreement between First Nations and the Crown; the breach of an *Indian Act* or other statutory responsibility; the breach of an obligation arising out of government administration of First Nation funds or other assets; or, an illegal sale or other disposition of First Nation land by government.
51. Settling specific claims brings long-term benefits to both First Nation members and their neighbours. The cash and sometimes land and cash settlements enable First Nations to strengthen the social and economic well-being of their communities, encouraging investment and promoting development both on First Nation lands and in surrounding communities. Between June 1997 and May 2001, there were 55 specific claims settled at a value of \$394.5 million. Within that group of 55 claims, there were settlements involving 332,000 hectares of land.

## Self-Government

52. The Government of Canada continues to act on the premise that the inherent right of self-government is an existing Aboriginal right within section 35 of the *Constitution Act, 1982*, and continues to negotiate self-government arrangements with Aboriginal groups across the country, either as part of the comprehensive claims process or as a distinct negotiation process. As examples, self-government agreements-in-principle have been signed between Canada and: Manitoba and the Sioux Valley Dakota Nation; Saskatchewan and the Meadow Lake Tribal Council and the Meadow Lake First Nations; and a self-government agreement has been completed with the Westbank First Nation in British Columbia. Progress has also been made with the Federation of Saskatchewan Indian Nations and the Nunavik Commission (Nunavik is Quebec's arctic region, and its inhabitants include Inuit, Naskapi and Cree).

## Aboriginal Peoples and the Justice System

53. The Diversity and Gender Equality Office of the Department of Justice collaborated with the Métis National Council of Women, Pauktuutit Inuit Women's Association, and the Native Women's Association of Canada to convene the first Aboriginal Women's Justice Consultation. It was funded by the federal Voluntary Sector Initiative and was held in September 2001. The Consultation focused on five areas: a gender analysis update from key federal departments in terms of the impact on Aboriginal women; restorative justice; treatment of Aboriginal peoples by the justice system; family law; and a model of Strategic Planning based on Aboriginal values.
54. The Government of Canada is working in partnership with Aboriginal communities, the provinces and territories, to help ensure a fundamental long term change in the relationship between Aboriginal people and the criminal justice system. To that end, the federal government has enacted sentencing principles that recognize the disproportionate impact of the criminal justice system on Aboriginal people. The need for this reform has been acknowledged by the Supreme Court of Canada in *R. v. Gladue* [1999] 1 S.C.R. 688 and *R. v. Wells* [1998], 125 C.C.C., which call on courts to consider alternatives to imprisonment with particular attention to be given to Aboriginal offenders. A continuum of federal responses has been developed to address the disproportionate rates of crime, incarceration and victimization experienced by Aboriginal people in Canada. The Aboriginal Justice Initiative (AJI) (approx. \$22 million), followed by the Aboriginal Justice Strategy (AJS), and the Native Courtworkers Program (NCW) (approx. \$38 million) are key elements of the federal response.
55. Through strong federal-provincial-territorial partnerships, the AJS currently supports 90 cost-shared, community-based justice programmes that serve over 280 communities. These programmes fall into the categories outlined below.

56. Diversion/Alternative Measures Programs: allows people to take responsibility and accept consequences for their wrongful behaviour, while at the same time removing them totally or partially from the aspects of the criminal justice system which can have long-term stigmatizing and marginalizing effects. Police and/or Crown decide whether to divert a case. Diverting Aboriginal offenders into a community process allows for more culturally appropriate remedies or sanctions for the offences.
57. Family Group Conference: has emerged in Canada as a credible, reparative justice process for communities affected by crime. Primarily used to date for youth, family group conferences bring together in a circle the victim, offender and as many members of their family and supporters as possible, along with relevant professional or community workers. Conferences provide a forum to deal with people's unanswered questions, painful emotions, the issue of accountability and the question of restitution or reparation. Generally speaking, satisfaction on the part of justice professionals and communities is much higher compared to their experience in the courts.
58. Community Sentencing Programs: Circle Sentencing usually provides for a community-based, pre-sentence advisory process with strong reparative and restorative focus. Once there has been a finding or admission of guilt, community members sit in a circle with the judge, prosecutor, defence counsel, police and other service providers to discuss sentencing options and plans to reintegrate the offender back into the community. Community members usually include the accused, victim, their families, Elders and other interested citizens. So far Sentencing Circles in Aboriginal communities have been used with adults more than with young offenders. They can deal with quite serious criminal offences such as manslaughter or armed robbery where a jail term may or may not be imposed. The objectives of Sentencing Circles include restitution to the victim, reparation to the community, responsibility being accepted by the offender, reintegration of the offender into the community and prevention of recidivism.
59. Mediation: Victim/offender mediation programmes provide a unique opportunity for offenders to meet their victims face-to-face in the presence of a trained mediator. The parties have an opportunity to talk about the crime, to express their feelings and concerns, to get answers to their questions, and to negotiate a resolution. Mediators do not impose settlements. The process is meant to empower communication between both parties. In many situations, mediation can be an alternative to the courts and to custody, used as a means of resolving the issues that arise from criminal behaviour. Frequently, it is experienced as more satisfying, more inclusive and more relevant than imprisonment. However, mediation is also used in addition to, during or following incarceration in order to address the needs of those affected by the crime which are not addressed by imprisonment.

60. First Nations Courts: A First Nations Magistrates Court is designed to redress problems that have been identified in the administration of justice in First Nations communities. These problems include language and cultural barriers, and delay. The court is presided over by an Aboriginal magistrate. Accused persons who appear in court are addressed in their own language. The atmosphere of the court is less formal and community participation is encouraged. In some communities, the court is opened with an Elder reciting a traditional prayer. The Magistrates Court has jurisdiction to hear guilty pleas on certain offences including to take guilty pleas and make dispositions on provincial, by-law, *Indian Act* and Band by-law offences; hear applications pursuant to s515 of the *Criminal Code* (judicial interim release); hear applications pursuant to s.499(3) and s.503(2.2) of the *Criminal Code* (application to a justice to replace an undertaking before a peace officer or officer in charge); make consent orders pursuant to s.810 of the *Criminal Code*. The First Nations Magistrates Court has been well received and has helped streamline and complement the provincial court system. Delays on the previous circuit court for some cases took up to a year and a half to resolve, now most charges are dealt with within 2 – 6 months. There are two such community-based models in Canada: one on the Tsuu T'ina reserve in Alberta, and the other as part of a tripartite initiative of Manitoba Keewatinowi Okimakinak, and the governments of Manitoba and Canada.
61. The Gladue (Aboriginal Persons) Court in Toronto, Ontario was created after a group of judges, academics, and community agencies met to discuss how to meaningfully develop a response to the *Gladue* decision at the Old City Hall Courts in Toronto, the busiest court in Canada. This Court performs the same activities as any other court at Old City Hall, although it offers all of them in one court: bail hearings/variations, remands, trials and sentencing. What distinguishes the court is that those working in it have a particular understanding and expertise of the range of programmes and services available to Aboriginal people in Toronto. This expertise will allow the court to craft decisions in keeping with the directive of the Supreme Court in *Gladue*.
62. The Aboriginal Justice Learning Network (AJLN) is a bridge between the mainstream justice system and Aboriginal communities. It provides forums for Aboriginal communities to share ideas and stay informed about developments that contribute to the creative solutions relating to their issues. It also provides the training and cross-cultural awareness which is essential for police, judges and other key players in the mainstream justice system.
63. The Native Court Workers Program (NCW) assists Aboriginal people involved in the criminal justice system by helping them to understand the law, the nature of the charges against them, and to seek required services. The programme also responds to communication barriers between Aboriginal people and those who are involved in the administration of the criminal justice system. Under the NCW, 11 of 13 jurisdictions

cost-share non-legal advice and assistance to Aboriginal accused in the criminal justice system.

### **Diversity, Equality and Justice.**

64. In May 1996, ministers responsible for justice requested that all justice proposals brought before them routinely incorporate considerations of the potential impact of justice initiatives on diverse communities in Canada. Consequently, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice was created. Its mandate encompasses that of its predecessor, the Working Group on Multicultural and Race Relations. The scope of the work was expanded to consider, as well, the concerns of individuals who belong to one or more groups that frequently experience disadvantage in their dealings with the justice system. Consequently, in addition to ethnocultural, racial and religious minorities, the Working Group is concerned with the needs of women, Aboriginal peoples, persons with disabilities, children and youth, seniors, refugees, recent immigrants, persons living in poverty, homosexual and bisexual persons, transgendered persons, and persons with low levels of literacy. During the reporting period, the Working Group provided diversity group analysis for initiatives and issues considered at the federal-provincial-territorial meetings of senior Justice officials. A number of policy documents and research reports were also produced on a variety of topics, including the legal needs of ethnocultural women, and hate-motivated crimes.
65. Between 1997-1998 and 2000-2001 the Department of Justice funded 11 projects that address issues of racial discrimination as they relate to the justice system. These included projects that: supported the continuing education of judges on issues arising from the diversity of Canadian society; addressed a variety of issues of importance to visible minorities entering the legal profession; increased awareness in the legal profession of the existence and effects of racial inequality in the justice system; developed a resource kit for intermediaries and police; and developed plain language employment equity materials to address barriers to employment based on race and remedies for discrimination.
66. In February 2000, the Department of Justice created the Diversity and Gender Equality Office. An essential part of the mandate of the Office is to facilitate the integration of diversity and gender equality analysis in all the work of the Department. In addition to carrying out the analysis for the Department, the Office developed a training programme, based on the National Judicial Institute model, to institutionalize such practices throughout the Department.

## Issues pertaining to Aboriginal Women

67. The federal government recognizes there is a legislative gap in the *Indian Act* with regard to the issue of matrimonial property, and acknowledges the Committee's concerns. The *Indian Act* is silent on the use, occupation and possession of land - including the matrimonial home - and does not speak to the division of interests in land on reserve in case of a marital breakdown. In addition, the provinces, which normally have jurisdiction over such marital issues, may not validly legislate concerning land within the federal competence, such as Indian reserves.
68. The Government of Canada remains committed to finding a practical solution to this issue. Consultative processes and research on this issue are currently underway. It is hoped that the results of this research will identify concrete options to resolve this issue through legislation or policy development.
69. One such option is contained in the *First Nations Land Management Act* (FNLMA), passed in June 1999. This legislation provides the framework to enable the 14 signatory First Nations to establish their own land management regime and take over the administration and management of their reserve lands. The FNLMA includes provisions to address the issue of matrimonial real property. The signatory First Nations have agreed to establish community processes to develop rules and procedures to deal with matrimonial property within 12 months from the date the land code takes effect. In essence, the First Nations community itself will develop the land codes and procedures. These codes must address the issue of division of matrimonial real property and they cannot discriminate on the basis of sex.
70. While the FNLMA is intended at this time to apply only to the 14 participating First Nations, Canada is open to considering its application to other interested First Nations.
71. The objective of the Aboriginal Women's Program of the Department of Canadian Heritage is to enable Aboriginal women to influence policies, programmes, legislation and decision making that affect their social, cultural, economic and political well-being within their own communities and Canadian society while maintaining their cultural distinctiveness and preserving cultural identity. There are two components to the Aboriginal Women's Program:
  - The Family Violence Initiative enables Aboriginal women to address violence-related issues within the nuclear as well as extended family within Aboriginal communities.
  - The self-government initiative enables Aboriginal women to participate fully and equitably in the consultations and decision-making process.

## Status of Women Canada

72. Status of Women Canada's Policy Research Fund, whose primary objective is to support independent, nationally-relevant, forward-thinking policy research on gender equality issues, has produced a number of research documents addressing the issue of gender and race in Canada. Topics cover such issues as aboriginal and immigrant women. The research published under the Policy Research Fund is distributed free of charge to interested constituents, public and university libraries and other locations, in both official languages. As well, documents are available on the Internet throughout Status of Women Canada's website [http://www.swc-cfc.gc.ca/pubs/pubsalpha\\_e.html](http://www.swc-cfc.gc.ca/pubs/pubsalpha_e.html) and in alternate formats upon request.
73. In the reporting period, the Women's Program of Status of women Canada has provided an average of \$775,000 annually, in support of some 30 initiatives in each of these years, to address the particular concerns of immigrant, refugee and visible minority women. For example, funding was provided to the Philippine Women Centre of British Columbia for an initiative to examine the policies and practices of the provincial nurses' association, nurses' union, public and private nursing educational institutions and recruitment and service agencies and to bring about internal change to correct identified discrimination. Also, funding was provided to the Caribbean Association of Peel to undertake a participatory research initiative to assess the social, health and economic issues of disadvantaged Caribbean and other visible minority women in the Peel region. Funding was also provided to the Canadian Council of Muslim Women for the production of a resource kit to explore critical issues facing young Muslim women in Canada, including racism within and outside the Canadian Muslim community.

## Employment Equity

74. The new *Employment Equity Act* (EEA), which came into force on October 24, 1996, applies to the federal Public Service as well as private-sector employers under federal jurisdiction and Crown corporations with 100 employees or more. Detailed information on this Act is provided in the 13<sup>th</sup>/14<sup>th</sup> Report.
75. As employer of the federal Public Service, the Treasury Board has obligations under the *Employment Equity Act*. Through its Secretariat, it works closely with departments to effectively implement employment equity in the Public Service of Canada by removing barriers to the participation of persons from the designated groups - Aboriginal persons, members of visible minority groups, persons with disabilities and women. This includes providing support for initiatives aimed at improving representation and creating an inclusive work environment.

76. Between 1997 and 2001, the representation of Aboriginal Peoples and Persons in a visible minority group in the Public Service evolved as follows:

	March				
	1997	1998	1999	2000	2001
Aboriginal Persons	4,551 (2.4%)	4,770 (2.7%)	5,124 (2.9%)	4,639 (3.3%)	5,316 (3.6%)
Persons in a Visible Minority Group	8,690 (4.7%)	9,260 (5.1%)	10,557 (5.9%)	7,764 <sup>4</sup> (5.5%)	9,143 (6.1%)

77. The Special Measures Initiatives Program (SMIP) mentioned in Canada previous reports ended on March 31, 1998. However, there was still a need for support programmes for employment equity within the federal Public Service to ensure that it would be successfully implemented across departments and agencies. As a result, Treasury Board Ministers approved the Employment Equity Positive Measures Program (EEPMP) on October 8<sup>th</sup>, 1998, as a four year programme, to assist departments and agencies in meeting their obligations under the *Employment Equity Act*. The EEPMP, like the SMIP, was a temporary programme which provided project funding from a \$10 million annual budget as a catalyst for eliminating employment barriers and for building institutional capacity to support employment equity in the federal Public Service. This programme built on the successes and lessons learned from the SMIP but with a stronger regional focus, emphasis on cost-shared departmental projects and a new governance structure under Treasury Board Secretariat. The EEPMP came to an end on March 31, 2002.
78. A Task Force on an Inclusive Public Service was announced on December 14, 1998 by the President of the Treasury Board and concluded on May 31, 2000. Its mandate was to provide advice on the way to create a federal Public Service representative of the population it serves and of the Canadian labour force and it has been credited with starting a dialogue about the federal Public Service's corporate culture.
79. In 1999, the Task Force on the Participation of Visible Minorities in the Federal Public Service was established to take stock of the situation and formulate a government wide action plan with benchmarks and follow-up mechanisms. During 1999-2000, it consulted extensively with key stakeholders inside and outside the federal public service and developed an action plan. In June 2000, the Government of Canada endorsed the action plan, entitled *Embracing Change in the Federal Public Service*, and began implementing

<sup>4</sup> Between 1999 and 2000, the total number of federal public employees decreased by 39,625, mostly as a result of Revenue Canada becoming a separate employer, i.e. the Canada Customs and Revenue Agency.

the plan within a results-based framework. The goal was to transform the public service into an institution that reflects the diversity of Canada's citizens and attracts them to its service. The action plan outlined six broad categories in which representation and participation of visible minorities will be addressed, including external recruitment, career development and advancement, and changing corporate culture.

80. Financial support of up to \$10 million annually for three fiscal years concluding in March 2003 has been provided to help in implementing the Embracing Change action plan. The Employment Equity - Embracing Change Support Fund is administered by the Treasury Board Secretariat and supports initiatives that will improve the representation and retention of members of a visible minority group in the federal Public Service. Federal departments and agencies have been undertaking special initiatives to implement the *Employment Equity Act* and Embracing Change.
81. As the official recruiter for the federal public service, the Public Service Commission (PSC) has assisted federal departments and agencies in integrating employment equity, Embracing Change, and diversity as part of good human resources management and business planning. For example, the PSC has helped 21 federal departments and agencies develop special employment equity programmes to facilitate recruitment from diverse populations. In addition, the PSC, working with departments, has created several diversity development programmes. For example, a national competition to appoint members of visible minorities to the Career Assignment Program (CAP) was launched, the Accelerated Aboriginal Program was developed as a pilot programme of CAP, and the Accelerated Executive Development Program (AEXDP) will develop visible minority candidates for entry into senior ranks of Government. The PSC is also ensuring its assessment instruments do not contribute to adverse impact in selection when used to assess members of Employment Equity groups.
82. The Aboriginal Workforce Participation Initiative (AWPI) continues to promote and support initiatives for the recruitment of Aboriginal employees by the private and public sectors. AWPI is responsible for making more than 10,000 employers aware of the advantages of hiring Aboriginal people. A thorough consultation process with employers and Aboriginal groups was undertaken and resulted in the *Aboriginal Workforce Participation Initiative Employer Toolkit* (national version), which comprehensively addresses Aboriginal employment issues. It enables employers to build their own approach to Aboriginal employment based on proven practices and sound business considerations.
83. The *Employment Equity Act* provides for a statutory review five years after coming into force. This review started in late 2001 and will assess the effectiveness of the Act and whether there is a need for any legislative or regulatory amendments to facilitate reaching employment equity goals.

84. The Act confers on the Canadian Human Rights Commission the mandate of verifying that it is being applied by employers. To that end, the Commission conducts audits. If employers are not in compliance, the Commission negotiates with them so that they will undertake to rectify the deficiencies within a reasonable time. If they fail to comply within the established time frame, the Commission may issue a direction and, if the direction is not complied with, may refer the matter to a hearing before an administrative tribunal. The decisions of that tribunal may then be made enforceable by the Federal Court.
85. The Canadian Human Rights Commission began its compliance audit work in October 1997. A total of 354 compliance audits were initiated at 215 employers. Of these 215, 73 are now known to be in full compliance. Audits now extend to more than 80 percent of employees covered by the Act. The remaining 261 employers left to be audited account for only about 20 percent of the workforce covered by the Act. In the public sector, nearly all employees (97 percent) are covered by compliance audits.
86. In general, the Commission has noted that most employers are not in compliance with the Act at the time of the audit; however, more than 80 percent of them willingly cooperate when the Commission conducts an audit and requires that they take measures to become compliant. The Commission needs to take measures in enforcing the Act in only a minority of cases.
87. Industry Canada underwent an audit by the Canadian Human Rights Commission in the summer of 2000. As a result, the department was required to conduct a workforce analysis to determine representation of its designated groups at all levels within the organization, and to conduct an employment systems review, to determine if there are any systemic or attitudinal barriers for the equitable representation, development and advancement of its designated groups. These two activities have recently been completed and the findings will be analyzed and appropriate follow-up activities will be incorporated into the department's three-year action plan currently being developed.
88. In February 2001, Privy Council Office (PCO) Senior Managers agreed that executives with hiring responsibilities should incorporate employment equity related objectives in their 2001-2002 performance agreement. This decision came about as a result of the on-site visit by the Canadian Human Rights Commission in October 2000 which produced a report requiring PCO to enhance the Employment Equity Action Plan. In March 2001, PCO launched three new corporate policies on : employment equity and diversity; workplace accommodation; and prevention and resolution of conflict and harassment in the workplace. PCO completed all undertakings established by the Canadian Human Rights Commission and was recently found compliant with the Act.

89. Canadian International Development Agency (CIDA) was found to be in full compliance with the *Employment Equity Act* in the December 2000 audit by the Canadian Human Rights Commission. The number of visible minority and Aboriginal employees at CIDA surpasses the labour market availability levels required by Canada's employment equity guidelines.
90. In 1995, the *Employment Equity Act* was amended to include the Canadian Forces (CF). Regulations making the Act applicable to the unique conditions of the CF have been written and are expected to receive an Order In Council shortly. In the meantime, the CF conducts itself as if already subject to the provisions of the Act. A Canadian Forces Employment Equity Plan was released in December 1999 and a Self-Identification Census has been administered to the entire Canadian Forces, both Regular and Reserve. A detailed workforce analysis will be completed in 2002 that will identify where members of designated groups (women, aboriginal persons, visible minorities and persons with disabilities) are facing employment barriers. The current census not only includes military but will continue to collect data for new personnel who are enrolled into the CF. In this way, the CF will be able to identify and respond more rapidly to changing demographics.
91. In preparation for the formal inclusion of the Royal Canadian Mounted Police under the *Employment Equity Act*, an Employment System Review on Regular Members has been conducted. Barriers to both the numbers of members of the designated groups (women, Aboriginal peoples and visible minorities) and their distribution within the rank structure have been determined. Subsequent action in the form of an Employment Equity Implementation Plan is under-way.

## Immigrants

92. Canada supports the accommodation of newcomers, their diverse backgrounds and cultures by encouraging a process of mutual adjustment by both newcomers and society. Integration of newcomers into Canadian society is a two-way process; newcomers are expected to understand and respect basic Canadian values, and society is expected to understand and respect the cultural differences newcomers bring to Canada. Rather than expecting newcomers to abandon their own cultural heritage, the emphasis is on finding ways to integrate differences in a pluralistic society.
93. Citizenship and Immigration Canada's settlement programmes and services assist immigrants in becoming participating and contributing members of Canadian society and promote an acceptance of immigrants by Canadians. While helping newcomers adapt and learn about their rights, freedoms and responsibilities and the laws that protect them from racial discrimination, settlement programmes also sensitize Canadians to different cultures and how diversity strengthens community life.

94. The Host Program matches newcomers with volunteers who help them learn about available services and how to use them, practice their language skills, develop contacts in their employment field, and participate in community activities. In return, Host volunteers learn about other cultures and develop an appreciation of diversity.
95. The Language Instruction for Newcomers to Canada (LINC) programme provides basic training to adult immigrants in one of Canada's official languages. Curricula, which are developed and used by the organisations delivering the language training, include specific modules on newcomers' rights, freedoms and responsibilities and the laws that protect them from discrimination.
96. The Immigrant Settlement and Adaptation Program (ISAP) provides funds for the delivery of services to newcomers, including reception, referral to community resources, community information/orientation, interpretation and translation, paraprofessional and employment-related services. ISAP-supported agencies are also provided with funding for staff training to develop cultural competence and sensitivity.
97. Citizenship and Immigration's approach to policy and programme development is grounded in engagement of stakeholders (government, NGOs and researchers). The Department has, over the reporting period, undergone an extensive consultative process in the development of its revised legislation, the *Immigration and Refugee Protection Act*. The new Act came into force in June 2002, with objectives including articles:
  - 3(b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multi-cultural character of Canada;
  - 3(e) to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society.
98. Citizenship and Immigration Canada (CIC) conducts and supports ongoing multi-disciplinary research via initiatives such as Metropolis, and, at the officials and analyst level, incorporates consideration of national and international past practices into its policy and programme formation. The Department participates in or cooperates with various multi-lateral agencies with migration and human rights concerns, including the International Organization for Migration, the International Committee for Migration Policy Development, the Inter-Governmental Consultations on Asylum, Refugee, and Migration Policy, and the International Criminal Tribunal for the Former Yugoslavia. In all consultations, Canada takes a progressive position on eliminating racial discrimination from policies and programmes.
99. CIC has also worked to advance horizontal policy research on immigration and diversity issues through the Government of Canada's Policy Research Initiative (PRI). In

particular, CIC has been a key member of the PRI's Social Cohesion Network, which is currently led by the Department of Justice and the Department of Canadian Heritage. In November 2000, as part of the Network's workshop series on the theme of "What Will Hold Us Together?", CIC hosted a workshop entitled "Immigration, Ethnic Diversity, and Social Cohesion". The workshop featured the results of research on barriers to the economic and social integration of immigrants and refugees to Canada, and examined the question of whether increasing ethnic diversity was a potential "fault line" for social cohesion. In October 2001, CIC co-sponsored a workshop with the Department of Canadian Heritage on "Social Cohesion and Citizenship: How Diversity is Changing the Parameters of Belonging", which examined factors of community belonging, changing conceptions of identity, and the idea of social citizenship. Both workshops were well attended and provoked a vigorous discussion within the federal policy research community on emerging issues.

### **Integrative Programmes for Women Refugees and Immigrants**

100. The Gender Based Analysis Unit was established in 2000 as the department's focal point for formalizing the integration of gender analysis into CIC's legislative and regulatory processes, policies and programmes. The *Immigration and Refugee Protection Act* and regulations underwent a preliminary assessment for their potential differential impacts on men and women, and different groups of men and women based on race, ethnicity and country of origin, that will be monitored over time. In addition, the GBA Unit provides gender analysis training to policy and programme officers within CIC, which includes sensitivity to the intersection of gender, race and diversity.
101. Good official language skills are essential for effective and rapid integration. About \$204 million is devoted to language instruction for adult newcomers to Canada, which includes free quality child care services and transportation costs to help parents for whom language training would otherwise be inaccessible. Service providers are encouraged to offer a whole range of full-time/part-time, evening, weekend classes, home study and other innovative initiatives in order to serve the needs of all immigrants. This is of particular importance to women who often carry the greater share of responsibility of care for children and may therefore have additional challenges accessing language training.

### **Training of federal law enforcement officials in the protection of human rights**

102. At the Royal Canadian Mounted Police (RCMP), the issues of training law enforcement officials in the area of diversity and human rights are very important. The dorm environment of the Cadet Training Program (CTP) itself is a lesson in living cultural diversity. Cadets live and work with a diverse group of people including many from different ethnic backgrounds. For example in one troupe of 24 cadets an informal survey

had revealed that half of the cadets were of different ethnic backgrounds (non-European) and in combination spoke over 14 different languages other than English and French.

103. The entire training programme is based on community-based policing principles and the CAPRA (Clients - Acquiring & Analyzing Info - Partnerships - Response - Assessment) problem solving model. The core of the CAPRA problem solving is the recognition of the unique and diverse expectations of different communities and the need to adapt to meet their specific needs. All training given during the 22 weeks of the CTP encompasses these principles.
104. Some modules of the CTP emphasize cultural diversity more than others. This emphasis is found in the following modules:
- Module I session 9 - Simulation exercise called Ecotonos, which emphasizes effectively participating in a problem solving session in a culturally diverse group.
  - Module I sessions 12 and 13 - Emphasizes the Canadian human rights legislation and is currently taught by a professor from the University of Regina who, among other qualifications, was once the Ombudsman for the Saskatchewan Government.
  - Module 7 sessions 13 and 14 - These two sessions address issues in providing policing services to people with physical and mental disabilities. The sessions are complemented by guest speakers who are subject matter experts.
  - Module 12 sessions 1, 2 and 3 - These sessions focus on Hate Crime Legislation as per the *Criminal Code*. These sessions are also complemented by guest speakers who are subject matter expert.
  - Module 13 sessions 2 and 3 - Focus on issues unique to Aboriginal communities and normally are taught in partnership with representatives from the Aboriginal community.
  - Module 13 sessions 4, 5 and 6 - Focus on area of civil disobedience and appropriate policing responses to this area.
  - The *Canadian Charter of Rights and Freedoms* is covered thoroughly throughout the CTP.
105. As part of a general effort to provide effective policing to Aboriginal communities and to reduce tensions, the National Aboriginal Police Services of the RCMP has developed a comprehensive training programme for law enforcement officers. The purpose of the programme is to help officers to understand better the Aboriginal way of viewing the

world. The emphasis is on knowledge acquisition, on the evaluation of evidence, the drawing of warranted conclusions, and the cultivation of a reasonable and just outlook.

106. The Aboriginal Perceptions Program contains six modules. The first, Aboriginal People and the Canadian Justice System, deals with Aboriginal concepts of law and justice; the current realities/impact of Canadian justice on First Nations; current aboriginal justice initiatives; and the role of healing. The second module, The Unique Position of Aboriginal People in the Canadian Law, examines Aboriginal titles, legislative authority of the Federal Parliament, and treaty rights. The third identifies the central issues in First Nations treaty and land entitlement claims. The fourth explores the consequences of the Canadian school system on Aboriginal perceptions. Module five deals with Cultural Factors Influencing Our Perceptions and module six with an Aboriginal Order Government. Since January 2000, this five day programme has been offered to sixteen groups of members of the RCMP and officials of the Department of Justice. Implementation is on-going depending on the availability of resources.
107. Canada Custom and Revenue Agency provides training to their inspectors on diversity and human rights, which includes multiculturalism, diversity, cultural awareness of the various groups in Canada and anti-racism.

## **Canadian Forces**

108. The *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* are fully applicable to the Canadian Forces (CF). Through the auspices of the CF Human Rights Plan, regulations and policy are continuously monitored for compliance. Several programmes target racism, either solely or as a component of other anti-discrimination measures.
109. The Department of National Defence (DND) and the Canadian Forces promulgated a harmonized Harassment Prevention and Resolution Policy in December 2000, which was developed over the course of several years. The aim of this initiative was to promulgate a policy and implementation procedures relating to harassment, which is defined as improper behavior by military members and civilian employees that is directed at, or is offensive to another person in the DND/CF workplace. Harassment within the meaning of the *Canadian Human Rights Act*, which covers discrimination on the basis of race, is also dealt with under this policy. The emphasis of the policy is on harassment prevention and the responsibility of all individuals to maintain a harassment-free work environment. Also emphasized are the early resolution of harassment situations when they occur and the use of Alternate Dispute Resolution techniques over administrative investigations.
110. Additionally, the CF has initiated a review of the current Policy on Racist Conduct, which dates from 1996. The aim of this review is to ensure that the policy fully meets present

legal requirements and societal expectations in an attempt to eradicate racist conduct from the CF. The review will also examine the reporting procedures for incidents of racist conduct to ensure that the chain of command is in receipt of the appropriate information in a timely fashion.

111. The Defence Diversity Council was established in 1996. This senior management group establishes the strategic framework for the management of diversity across the Canadian Forces and the Department of National Defence. Under the auspices of the Defence Diversity Council, four Defence Advisory Groups (one for each designated group) continue to expand across the country, creating linkages with various groups and organizations in order to increase awareness of the CF and its commitment to the creation of an open, barrier-free workplace.

### **Article 3 : Action against apartheid and racial segregation**

112. Canada has always denounced racial segregation and apartheid throughout the world. On November 19, 2001, the Canadian Parliament bestowed the title of Honourary Canadian Citizen on Nelson Mandela, former President of South Africa, to honour his fight against apartheid and segregation in his country.

### **Article 4 : Prohibition against promotion of racism**

113. The *Criminal Code* of Canada continues to prohibit hate propaganda including:
- advocating or promoting genocide against an "identifiable group", that is, any section of the public distinguished by colour, race, religion or ethnic origin (section 318);
  - inciting hatred against an "identifiable group" by communicating in a public place statements which are likely to lead to a breach of the peace (subsection 319(1)); and
  - communicating statements, other than in private conversation, to wilfully promote hatred against an "identifiable group" (subsection 319(2)).
114. Advocating or promoting genocide is an indictable offence punishable by a maximum of five years imprisonment. The offences under section 319 of the *Criminal Code* of inciting or wilfully promoting hatred are dual procedure offences, punishable by two years imprisonment on indictment and up to six months imprisonment and/or up to a \$2,000 fine when proceeded by way of summary conviction. In addition, the *Criminal Code* provides for the seizure and forfeiture of hate propaganda kept on premises for

distribution or sale (subsection 320(1) and (4)). Except for the offence provision of publicly inciting hatred, the consent of the relevant Attorney General is required to obtain a seizure warrant or to initiate a prosecution under the hate propaganda provisions of the *Criminal Code*.

115. Paragraph 718.2(a)(i) of the *Criminal Code* provides that if there is evidence that an assault, damage to property, threatening, harassment or any other criminal offence was motivated by hate, bias or prejudice based on race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor, it is an aggravating factor for the purposes of sentencing (i.e., it should result in a more severe sanction). Paragraph 718.2(a)(i) of the *Criminal Code* contains a broader definition of grounds than the definition of "identifiable group" contained in subsection 318(4) of the *Criminal Code* for the purposes of the hate propaganda offences.
116. With regard to the Internet, existing statutory provisions are considered applicable where the hatred is communicated through that medium (subject to jurisdictional/territorial concepts relevant to the application of Canada's criminal law).
117. In December 2001, the Canadian Parliament passed legislation that included three relevant measures:
- An amendment to the *Criminal Code* to authorize a judge to order deletion of hate propaganda from the Internet, when the hate propaganda is stored on and made available to the public through a computer system that is within the jurisdiction of the court;
  - An amendment to the *Criminal Code* to create an offence of mischief in relation to religious property or an object associated with religious worship, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin. This offence is punishable with a maximum of 10 years of imprisonment; and
  - An amendment to the *Canadian Human Rights Act* to clarify that the prohibition against spreading repeated hate messages by telephonic communications includes all telecommunications technologies.
118. Amendments to the *Canadian Human Rights Act* came into force on June 30, 1998, to allow victims specifically identified in hate messages to receive compensation. The individuals responsible for disseminating hate propaganda may also be ordered to pay a penalty of up to ten thousand dollars.

119. The Canadian Human Rights Tribunal has been looking into allegations that material posted on the Internet by Ernst Zündel could expose Jews to hatred or contempt on the basis of their race, religion and ethnic origin. Procedures began, but have been delayed by various legal challenges by the respondent. In January 2002, the Human Rights Tribunal concluded that hate has no place in Canada. In its decision, the Tribunal ordered that the hate messages be removed from the site and concluded that the site created conditions that allow hatred to flourish. In its view, the “tone and expression of these messages is so malevolent in its depiction of Jews, that we find them to be hate messages within the meaning of the Act.” (*Citron v. Zündel*, D.T. 1/02 2002/01/18).
120. In February 1998, the Commission asked the Canadian Human Rights Tribunal to look into a case dealing with alleged hate messages against Muslims. The Islamic Information and Da'wah Centre International of Toronto filed a complaint against Mark Harding and his organization, Christian Stands. It alleged that the respondent transmitted telephone messages that expose Muslims to hatred and contempt, contrary to section 13 of the *Canadian Human Rights Act*. The Da'wah case was settled on March 30, 1999. The respondent agreed to cease and desist the site now and in the future.
121. Data on hate propaganda offences, ss. 318 and 319 of the *Criminal Code*, are to some extent available from the Revised Uniform Crime Reporting (UCR2) Survey and the Adult Criminal Court Survey (ACCS). The Canadian Centre for Justice Statistics (CCJS), of Statistics Canada, maintains both of these surveys. The data are limited and do not provide a good measure of the actual level of activity. However, when it comes to statistics on hate crime in Canada, there is not much beyond what CCJS can provide.
122. The Revised Uniform Crime Reporting (UCR2) survey reports only according to the most serious offence in the case. Offences under ss. 318 and 319 would not be reflected in the statistics if there were a more serious offence associated with that case.
123. The Adult Criminal Court Survey (ACCS) collects and reports information on the number of charges and cases appearing before Adult Courts on sec.318 and 319:

SECTION		1996/97	1997/98	1998/99	1999/00
318	Charges	1	4	0	0
	Cases	0	2	0	0
319	Charges	2	12	9	15
	Cases	1	3	6	10
TOTAL	CHARGES	3	16	9	15
	CASES	1	5	6	10

1) A "charge" is a formal accusation against an accused involving a federal statute offence.

2) A "case" is one or more charges against an accused person or corporation where the charges received a final disposition in the same court and level on the same date. (Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.)

124. In 1999/2000, most of the cases under section 319 had the charges stayed or withdrawn. In just 2 of the 10 cases under section 319 was the case resolved with a finding or plea of guilt. In both cases, the sentence received was a period of probation and not prison.
125. The Homicide Survey, maintained by the CCJS, collects a number of incident, victim and offender characteristics in relation to homicides. Hate crime is listed as one possible motive, though, in general, the specific motivation for a homicide is difficult to determine. Since 1991, police have flagged 15 homicides as hate-related in Canada. In 2000, two hate-related homicides were reported.
126. The *Crimes Against Humanity and War Crimes Act* came into force on October 23, 2000. This Act serves two purposes: to implement the *Rome Statute*<sup>5</sup> through the establishment of a domestic criminal and administrative regime to complement the International Criminal Court, and to strengthen Canada's legislative foundation for the prosecution of genocide, war crimes and crimes against humanity. The Act empowers Canadian courts to exercise jurisdiction over individuals accused of involvement in the commission of genocide, crimes against humanity and war crimes, as well as the crime of breach of command responsibility. It also enables the prosecution of individuals for offences against the administration of justice of the International Criminal Court and proceeds of crime offences.

## Article 5 : Equality before the law

127. Under the *Canadian Human Rights Act* (CHRA), first proclaimed in 1977 and amended in 1996, it is against the law for any employer or provider of service that falls within federal jurisdiction to make unlawful distinctions based on the following prohibited grounds: race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbirth), marital status, mental or physical disability (including previous or present drug or alcohol dependence), pardoned conviction, or sexual orientation.

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<sup>5</sup> *Rome Statute for an International Criminal Court*, as adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, July 17, 1998, and as corrected by the Procès-verbaux of 10 November 1998 and 12 July 1999, UN Doc. A/Conf. 183/9, 1998 (hereinafter *Rome Statute*).

128. As part of its commitment to strengthen the *Canadian Human Rights Act* to ensure that it is effective in protecting and promoting human rights in a timely and efficient manner, on April 8 1999, the Minister of Justice announced the establishment of an independent panel, chaired by Justice La Forest, to conduct an in-depth review of the *Canadian Human Rights Act*, the first comprehensive review since 1977. The report entitled *Promoting Equality: a New Vision*, contains 165 recommendations covering various issues from adding new grounds to updating the CHRA to create an efficient, transparent and accessible complaint system. Additionally, the recommendations suggest changes for the role of the Canadian Human Rights Commission, its processes and procedures, such as its ability to deal pro-actively and cost-effectively with systemic discrimination, direct access of individuals to the Canadian Human Rights Tribunal, and use of dispute resolution mechanisms such as mediation and alternative dispute resolution.

## Health Issues

129. In the area of health, the Government of Canada recognizes that factors such as culture, gender, income, education, social support networks, the environment, and employment and working conditions determine health and well-being. Health Canada focuses on this wide range of personal and collective circumstances when developing strategies to promote health, prevent disease and reduce barriers when accessing health programmes and services. Such a comprehensive population health approach recognizes that people and groups are not affected in the same way by policies, programmes and services. The federal government works with provincial and territorial governments and other health partners to expand knowledge of factors affecting the health of the general population and specific groups such as ethnic groups, immigrants, children, seniors, women and Aboriginal peoples.
130. Health Canada's Women's Health Strategy (launched March 8, 1999) conforms with the *International Convention on the Elimination of All Forms of Discrimination Against Women* (1979) and with the principles of the Beijing Platform for Action (1995) and Canada's Federal Plan for Gender Equality (1995). The Strategy works to promote an understanding of gender as a critical variable in health, and to analyse and assess the impact of policies, programmes and practices in the health system broadly defined, on women and women's health. The Strategy emphasizes that women are not a homogeneous group and is sensitive to issues of diversity. Disability, race, ethnocultural background and sexual orientation have varying influences on women's health and on their interactions with the health system.
131. Health Canada's Gender-based Analysis Policy (2000) recognizes that policies may have a differential impact on women and men, and the need to build a gender perspective into health policy at all levels. Done properly, Gender-Based Analysis (GBA) should intersect with a diversity analysis: a process of examining ideas, policies, programmes and

research for their potentially different impacts on specific groups of women and men, girls and boys. GBA explores the relationship of gender to other determinants of health. The 12 determinants of health are: income and social status; employment; education; social environments; physical environments; healthy child development; personal health practices and coping skills; health services; social support networks; biology and genetic endowment; gender; and culture. GBA helps ensure access to, and benefits from the health system for all people of Canada.

132. Health Canada's Women's Health Contribution Program continues to provide support to four Centres of Excellence for Women's Health, the Canadian Women's Health Network and other organizations to conduct policy-oriented research on women's health with a view to making the health system more responsive to women's health needs. The Programme supports initiatives that are multifaceted, multi-disciplinary, cross-sectoral and include partnerships among academics, community-based organizations and policy makers. The Centres of Excellence have built a firm foundation of evidence concerning immigrant and refugee women and Aboriginal women's health and their experiences with the health care system.
133. Health Canada currently spends over \$1.3 billion per year in health programmes and services for First Nations and Inuit people to ensure that these populations have access to the health care services needed to attain health levels comparable to other Canadians. This amount is in addition to the health services provided to all Canadians, including Aboriginal peoples, by provinces and territories as part of Canada's overall health care system.
134. These health services include public health and primary care services provided in nursing stations and by nurse practitioners in 600 First Nations communities, including 198 communities in rural and remote parts of Canada. Supplemental health benefits to cover costs of prescription drugs, dental and vision care, and transportation to medical facilities are also provided. Interpreter programmes have been instituted in many hospitals to provide assistance when necessary.
135. The federal government also works with provincial and territorial governments to support programmes and services to address the specific health risks and needs of Canada's Aboriginal peoples. Investment in front-end programmes such as diabetes, fetal alcohol syndrome/effects, and early childhood development continue to be supported by the Government of Canada. New programmes that began in 1997 and later are: First Nations and Inuit Health Information System (1997), Dental/Oral Health Strategy (1997), Tobacco Control Initiative (1998), Aboriginal Head Start On Reserve Program (1999), Expansion of Aboriginal Head Start urban and northern communities programme (1999), Expansion of Prenatal Nutrition Program (1999), First Nations and Inuit Home and Community Care Program (1999), Fetal Alcohol Syndrome/Fetal Alcohol Effects

Initiative (1999), Aboriginal Diabetes Initiative (1999 -2004), National Tobacco Control Program (2001).

136. The Government of Canada, through its Aboriginal Health Careers programme, promotes and provides bursaries and scholarships for Aboriginal people interested in pursuing health careers. The bursaries and scholarships were started in 1985. In 1998-99, the Community Health Programs Directorate transferred the management of this very successful Aboriginal scholarship and bursary programme to the National Aboriginal Achievement Foundation; the Directorate continues to offer the programme funding support.
137. The Government of Canada has recognized the need for Aboriginal specific research on health through the creation of the Institute for Aboriginal Peoples Health (IAPH) within the Canadian Institutes for Health Research (CIHR). The IAPH is one of thirteen Canadian Institutes for Health Research created in 2000. In addition, the Government of Canada also supports the National Aboriginal Health Organization, which provides a specific Aboriginal focus for information dissemination on traditional medicine, health human resource development and health delivery.

## **Article 6 : Effective protection and remedies**

138. A complaint that has preoccupied the Human Rights Commission since 1992 is the case of *Chopra v. Health Canada* (1998, 146 F.T.R. 106 (F.C.T.D.); D.T. 10/01 2001/08/13). Dr. Chopra joined Health Canada in 1969. In 1992, after being denied a promotion to a director-level position, he filed a complaint with the Commission alleging discrimination on the ground of race. The complaint was investigated by the Commission and referred to the Canadian Human Rights Tribunal, where it was subsequently dismissed. In 1998, however, the Federal Court's Trial Division found that the tribunal had erred by refusing to admit statistical evidence that visible minorities were under-represented in management positions within Health Canada. In a decision subsequently upheld by the Federal Court of Appeal in January 1999, the complaint was sent back to the tribunal for a new hearing. The Human Rights Tribunal ruled in August 2001 that Dr. Chopra's rights under the *Canadian Human Rights Act* have been contravened by the respondent. This decision is now under judicial review.
139. In March 1997, a review tribunal ordered Health Canada to put in place new food and drug policies that would not discriminate against merchants on the basis of their race or ethnic origins. The verdict in *Bader v. Department of National Health and Welfare* (1998, 31 C.H.R.R. D/268 (Human Rights Review Tribunal)) reversed a Human Rights Tribunal decision that had dismissed allegations that the Department of National Health and Welfare had discriminated against non-Chinese merchants who sold Chinese herbal

products. David Bader claimed that the Department enforced *Food and Drug Act* regulations governing the importation and sale of certain health foods and herbal products more vigorously against Caucasian health food merchants than against merchants of Chinese origin. The review tribunal agreed that Mr. Bader had produced a *prima facie* case of discrimination in the enforcement of regulations, based on race and ethnic origin. The review tribunal found that the Department had not met the requirements of a *bona fide* justification, advancing unsubstantiated subjective information to meet an objective test. The review tribunal ordered the Department to cease the unequal enforcement of the *Food and Drug Act* based on the “ethnicity” of the product or the ethnic origin of the consumer of the product. It also ordered the Minister to carry out a national review of enforcement policies, practices and compliance strategies concerning herbs and botanicals, in order to eliminate unsound distinctions based on the ethnic origin of the dealer, product or consumer.

140. In 1998, two complaints initiated by the Assembly of Manitoba Chiefs (AMC) were settled with agreements to provide more work opportunities for Aboriginal people. In July and October 1998, Canadian Airlines International and the AMC signed two agreements to implement a comprehensive, five-year employment equity action plan to improve the workforce representation of Aboriginal people in all occupational groups at the airline. This agreement resolved a complaint filed by the AMC in 1990, alleging that Canadian Airlines International's employment policies and practices deprived Aboriginal people of employment opportunities on the grounds of race, colour and ethnic or national origin.
141. In *Nkwazi v. Correctional Service Canada* (T.D. 1/01; 2001/02/05), allegations of race and colour discrimination in the workplace were upheld, in part, by the Canadian Human Rights Tribunal. The complainant was a woman of colour born in Zimbabwe who immigrated to Canada in 1983. She was a qualified nurse working as a casual employee at the Regional Psychiatric Centre (RPC) operated by Correctional Service Canada in Saskatoon. The alleged discrimination against the complainant occurred in and around the time when a competition for a term staff nurse position took place. The evidence established that a member of management attempted to exclude the complainant from consideration by unjustifiably insisting she take a one week rest period, which coincided with the competition for the nursing position. No one else but the complainant was subjected to this rest period. The complainant nevertheless did compete for the term staff nurse position, but failed to make the eligibility list after a poor performance before the interview panel where the very same person who attempted to exclude her from consideration sat. The tribunal concluded, on a balance of probabilities, that the complainant's race and colour were motivating factors in the actions taken by management at RPC. The tribunal also concluded that the complainant had not been given a fair opportunity to compete on a level playing field. The tribunal characterized the events surrounding the non-renewal of her contract as shocking and humiliating to the complainant, and so insensitive as to border on intentional cruelty. The tribunal ordered

that Correctional Service Canada reinstate the complainant as a casual employee at RPC for a three-month term at the first reasonable opportunity, and to renew the contract thereafter as function of the needs of the institution. It further ordered payment for lost wages, and the order to took into consideration an inappropriate job reference that had been given to another prospective employer of the complainant.

142. In the *Selwyn Pieters* case, (*Selwyn Pieters v. R.* 2001 FCT 496, May 2001), the plaintiff had accepted a term position as a registry officer with the Registry of the Federal Court for the period from June 14, 1999 to December 14, 1999. His contract was not renewed. The plaintiff filed a grievance, alleging that the employer's decision not to renew his employment contract was inequitable, vindictive and resulted in wrongful (constructive) dismissal. The plaintiff stated that there were serious issues affecting both his important constitutional rights as an African Canadian male to equality in employment with the Government of Canada and to protection from discriminatory and bad faith discharge by the Registry of the Federal Court. In its ruling, the court agreed that the plaintiff's claim raised very important Charter issues, but the plaintiff could have presented his labour dispute before an adjudicator. If the adjudicator had refused to hear such issues, the plaintiff would have been entitled to present them to the Federal Court on an application for judicial review of the adjudicator's decision. The Court could have then dealt with the Charter issues. However, the plaintiff did not raise the Charter in the process of the grievance procedure.
143. Another Federal Court of Canada decision in December 2001 affirmed that the *Canadian Human Rights Act* applies to employees of the House of Commons (*House of Commons and the Honourable Gilbert Parent v. Satnam Vaid*, 2001 FCT 1332). The case involved a racial discrimination complaint by one such employee against the then Speaker of the House, Mr. Gilbert Parent. Before the tribunal could hear evidence on the case's merits, lawyers for the House of Commons challenged its jurisdiction, arguing that parliamentary privilege shielded the Speaker from scrutiny by the tribunal. The Federal Court dismissed that argument, holding that the scope of the privilege does not extend to human rights violations. This clarifies the broad scope of the Commission's amendments to the Act. This decision has been now been brought before the Federal Court of Appeal.

## Article 7 : Education, Culture and Information

144. Canada's approach to diversity has evolved over the years and is embedded within a broad framework of civil, political, social, language and minority rights both nationally and internationally. Canada's approach includes ensuring a wide dissemination of the United Nations *International Convention on the Elimination of Racial Discrimination*, Canada's reports and the Concluding Observations of the Committee on the Elimination of Racial Discrimination. These documents are available free of charge from the Canadian

Heritage Human Rights Program at the following website:

[http://www.pch.gc.ca/progs/pdp-hrp/index\\_e.cfm](http://www.pch.gc.ca/progs/pdp-hrp/index_e.cfm) .

145. Part of the Department of Canadian Heritage, the Multiculturalism Program's approach to fighting racism is multifaceted including elements of public education, institutional change, community action and research. Key partners include youth organizations, schools, non-governmental organizations and all levels of government as well as the private sector. Through the Multiculturalism Program, community initiatives on a national and regional level are supported in their efforts to dismantle systemic discrimination and eliminate racism.
146. Canada continues to fight racism and to promote a more inclusive and diverse society through the March 21 Anti-Racism Campaign, the Mathieu Da Costa Award Program, the Metropolis Project, the Citizenship Education Research Network and the Canadian Race Relations Foundation, all of which are described in the Canada's combined 13<sup>th</sup> and 14<sup>th</sup> reports.
147. Full participation in the societal processes which set the rules by which we agree to live together is the most salient measure of inclusion. Researchers, NGOs and policymakers from around the world have come together in the Political Participation Research Network (PPRN) to design and conduct research in this vital area. The results have been impressive. Since the initial seminar held in November 1997 in conjunction with the Second National Metropolis Conference, studies have been conducted in over twenty cities around the world. The results of the studies have played key roles in policy development in Canada, especially at the municipal level, but have also revitalized a critical examination at the federal level.
148. The *Racism. Stop It!* "Action 2000" special millennium youth project realized in collaboration with the Canadian Human Rights Commission brought together youth from 24 different countries and from across Canada to travel across the country to discuss issues dealing with racism. The project culminated in a concert in Ottawa featuring internationally renowned recording artists from Canada and the United States and a two-day international youth forum. "Action 2000" sought to mobilize youth, artists and leaders around the world in the struggle against racism.
149. The Multiculturalism Program, along with a number of other federal departments, supported the Canadian Bar Association's (CBA) work on the challenges and the barriers that people from racialized communities face in law schools, in the legal market and within the court system across Canada. The 1999 CBA report, *Racial Equality in the Legal Profession*, looks at some of the systemic barriers and notes ways that people and the institutions in which they work have found to eliminate these barriers or reduce their impact on people from racialized communities. Support was also provided in 2000 to the

National Association of Japanese Canadians for a major national conference *Era 21 End Racism! Activism for the 21st Century*.

150. Many of the Multiculturalism Program's actions to address racism are coordinated at the regional level. The Program works in partnership with various levels of government, institutions, schools and community groups to combat racism and to build a stronger sense of common citizenship among all Canadians. This ensures a direct focus on policies at the community and regional level. Some examples of the Program's community and regional activity are:
- in the Atlantic region, the Multicultural Association of Fredericton received support for an intercultural and race relations programme in the schools;
  - in Quebec, the Centre de recherche-action sur les relations raciales received support for a project on racial equality in the arts in Quebec;
  - in Toronto, the Urban Alliance on Race Relations for a multi-media education campaign to improve public understanding of multiculturalism, cultural diversity, racism and intolerance;
  - in British Columbia, a project by the Puente Theatre Society on anti-racism action through stories from around the world;
  - in the Kelowna area of British Columbia, in 1998 the Multicultural Society of Kelowna received support for a conference on *Dealing with Hate Crimes - an Okanagan Valley Experience*;
  - in Ontario, the Guelph and District Multicultural Centre received support to undertake a project on youth involvement in Canadian neo-Nazi hate groups to find ways to counter youth recruitment by hate groups.
151. The Human Rights Commission has continued its work with community organizations across the country to promote human rights values through education. For example, the Commission's Ontario Regional Office and the Ethno-Racial People with Disabilities Coalition of Ontario produced a brochure on human rights. The Commission also participated in a range of activities related to the celebration of Black History Month across Canada. Similarly, the Quebec regional office held in February 2001 a symposium on visible minorities and the Public Service of Canada. The Prairie regional office held a "Stop the Hatred" poster campaign. Similar events and campaigns were held in other regions.

152. In 1997, the Commission published a study entitled *Visible Minorities and the Public Service of Canada*. The report noted that the federal government's record in hiring and retaining members of visible minority groups was inferior to that of private sector. The report also suggested that visible minority employees often viewed the public service as unresponsive and hostile.
153. The Commission also delivered human rights messages by participating in and co-sponsoring various seminars and conferences addressing racism in Canada. In preparation for the World Conference Against Racism and to mark the United Nations International Day for the Elimination of Racial Discrimination, the Commission sponsored, in 2000, a public education seminar in Ottawa on racism, anti-racism and their effects. Also as a contribution to the World Conference, the Commission published in 2001 a casebook on race-related complaints, which provides examples of discriminatory behaviour, what employers should do to fulfill their responsibilities under the *Canadian Human Rights Act*, and the types of remedies that are used to address discrimination.

### **Fighting Hate-Motivated Activity**

154. In 2001, the Canadian Centre for Justice Statistics released a report *Hate Crime in Canada: An Overview of Issues and Data Sources* that for the first time, gives a national picture of the extent of hate-motivated crime in Canada and identifies research and data gathering needs (<http://www.statcan.ca>).
155. The government is taking action against hate-motivated activity in four primary ways: through public education; through the legal system; through supporting community initiatives to combat hate; and through supporting research.
156. In 1999, the federal government passed legislation that enhances the protection and participation of victims in the criminal justice system. Victims of hate-motivated crimes have increased opportunities to provide victim impact statements that convey to the court the impact of the accused's conduct upon them and their broader community. In March 2000, Minister of Justice and Attorney General announced that \$20 million would be provided over the next four years for federal victim-related initiatives and programmes through the Policy Centre for Victims Issues.
157. Collective community initiatives and responses to hate-motivated activity in Canada are key to combatting hate motivated activity. In 1998, the Minister of Justice and Attorney General announced the second phase of the National Strategy on Community Safety and Crime Prevention. The National Strategy aims to increase individual and community safety by equipping Canadians with the knowledge, skills and resources they need to advance crime prevention efforts in their communities. The National Strategy adopts a social development approach, placing a particular emphasis on children, youth, women

and Aboriginal peoples. With an investment of \$32 million annually, the National Strategy enables the Government of Canada to help communities develop programmes and partnerships that will prevent crime in the first place. The National Strategy is investing in projects that address risk factors in people's lives, such as abuse, violence, poor parenting and drug and alcohol abuse.

158. The Secretary of State (Multiculturalism) (Status of Women) held roundtable meetings in April 1997, February 2000 and June 2000 with victims, civil society organizations, government and technical experts to coordinate efforts to combat hate-motivated activity.
159. National policy and research initiatives have been undertaken including, a 1998 international comparative review of policy approaches to combatting hate on the Internet, a 1999 research overview of hate/bias-motivated acts perpetrated by and against youth, a 2000 research project and publication *Promoting Equality in the Information Age - Dealing with Internet Hate* by the Canadian Jewish Congress Pacific Region and a comprehensive resource on hate on the Internet by Media Awareness Network (MNet) *Challenging Online Hate* (<http://www.media-awareness.ca>).
160. The Internet has become an attractive channel for pornography and hate because of its ability to transcend geographical boundaries, its speed and easy accessibility and the great deal of anonymity enjoyed by its users. As part of the federal strategy to combat hate and bias activity, Canadian Heritage worked with other federal departments, non-governmental organizations, police, Internet service providers and international organizations to address on-line hate activity in Canada.
161. In February 2001, the Minister of Industry and the Minister of Justice, announced the launch of the Canadian Strategy to Promote Safe, Wise and Responsible Internet Use, a new initiative that will equip Canadian teachers and parents with tools and resources to help them protect children against the dangers of illegal and offensive Internet content (<http://www.ic.gc.ca>).

### **The Canadian Race Relations Foundation (CRRF)**

162. The *Canadian Race Relations Foundation Act* (CRRF) was officially launched by the government in November 1997. The Foundation operates at arm's length from the government and its directors and employees are not part of the federal Public Service. The principal office of the CRRF is in Toronto and its activities are national in scope. The Foundation received a one-time endowment of \$24 million from the Government of Canada and operates on income derived from investments, donations and fundraising efforts. It has registered charitable status. For more information see the following web-site: <http://www.cra.ca>.

163. The CRRF seeks to shed light on the causes and manifestations of racism; provide independent, outspoken national leadership; and act as a resource and facilitator in the pursuit of equity, fairness and social justice. In 1997-98, the Foundation undertook consultations with key stakeholders across Canada to identify what aspects of racism in Canada today require the greatest attention. Priority areas, consistent with the Foundation's legislated mandate, were established: public education; action-oriented research; and, information, resource development and networking for policy and advocacy.
164. The Foundation emphasizes research that is practical, strategic and with constructive options for change. In November 1997, the Foundation issued its first annual call for research proposals on systemic racism in employment; systemic racism in education; public attitudes; and, race relations training and the development of standards. Such reports as *Racist Discourse in Canada's English Print Media* and *Educating Against Racism: An Annotated Bibliographic Tool of Anti-Racist Resources for Activists and Educators* are examples of the commissioned research sponsored by the Foundation.
165. The CRRF speaks out against both overt and systemic racism. During 1998-99, the Foundation launched an "Initiatives Against Racism" Sponsorship Program to support non-governmental organizations across Canada to combat racism and reinforce the positive contributions of racial minorities and Aboriginal Peoples in Canadian society. The CRRF also launched an annual Award of Excellence Program to recognize positive initiatives in the elimination of racism.
166. 1999 was a key year for the development of stronger working relationships with various Aboriginal communities through the Aboriginal Issues Task Force. The Foundation also took to the airwaves with the "Unite Against Racism" public education campaign, aimed at raising awareness and action on anti-racism issues. In its first year of operation, the campaign reached over 22 million television viewers.
167. In 2000-2001, the Foundation recognized that organizations located in rural regions may have less access to resources for conducting anti-racism work and may require more funds to facilitate their research, outreach and communication plans. The CRRF adjusted its Initiatives Against Racism Sponsorship Program to assist organizations located in more isolated areas in addressing these challenges.
168. In January 2001, the CRRF sponsored study *UNEQUAL ACCESS: A Canadian Profile of Racial Differences in Education, Employment and Income* found that "hidden discrimination" and "polite racism" prevents Aboriginal peoples and visible minorities from gaining equal access to jobs. Conducted by the Canadian Council on Social Development (CCSD) the study was based on quantitative statistics and focus group discussions with visible minorities and Aboriginal peoples in cities across Canada.

169. In preparation for the 2001 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban, South Africa, the CRRF developed a comprehensive position paper for the NGO Forum, which preceded the WCAR and advocated that the Canadian government set out a programme of action to address issues affecting racial minority groups and Aboriginal peoples in Canada.

### **World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance**

170. The Government of Canada actively participated in the World Conference Against Racism and facilitated broad based consultation with other levels of government, civil society and the private sector in preparing for this important global event. As one of the co-sponsors of the UN resolution that led to the convocation of the World Conference, the Government of Canada established a national secretariat at the Department of Canadian Heritage as a national focal point for preparations for the Conference. The Secretariat organized seven regional consultations with civil society that took place across Canada. A national consultation took place in Ottawa on February 23-24, 2001, a National Aboriginal Consultation on April 6-7, 2001 in Winnipeg, Manitoba and a Youth Consultation took place in Ottawa on July 14 - 15, 2001. The Secretary of State (Multiculturalism)(Status of Women) also convened an Advisory Committee of 20 eminent persons to help guide Canada's preparations for the Conference.
171. The international preparatory process for the World Conference was also an opportunity to build capacity among Canadian civil society. Non-governmental organizations were sponsored to participate in all of the Preparatory Committee meetings for the World Conference. Canada also participated in two international regional conferences in Strasbourg, France and Santiago, Chile, and participated in the final conference in Durban. The delegation, headed by the Honourable Hedy Fry, Secretary of State (Multiculturalism)(Status of Women), included senior representatives of the federal government, representatives of provincial governments, municipalities, non-governmental organizations, academics, Aboriginal peoples and a broad cross section of Canada's diverse population.
172. Efforts to eradicate racism in Canada were given added impetus through preparations for the World Conference Against Racism. The Government of Canada will seek to improve and build upon a number of programmes currently being administered; as well as the creation of new initiatives to fill the gaps in programming that have been identified. These efforts will result in a re-invigorated Canadian effort to combat racism, racial discrimination, xenophobia and related intolerance.

173. As a result of preparatory consultation for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Canada developed a 12-point list of priorities which included: acknowledgement of the past action of racism; recognition of victims and groups vulnerable to racism and the multiple faces of discrimination in society; redress and remedies for the victims of discrimination; the effect of globalization in the fight against racism; the importance of a holistic and forward-looking approach to racism; the importance of fighting against hate propaganda and racial bias; the role of the media in the civil society in fighting racism; the importance of educating youth against racism and intolerance; the importance of international cooperation; and the importance of education and other concrete preventative measures and strategies to fight racism.

### **Citizenship and Belonging Campaigns**

174. Citizenship and Immigration Canada (CIC) works with not-for-profit and private sector organisations in partnerships to promote the integration of newcomers into Canadian society. The Department develops and distributes products that promote a better understanding of diverse cultures, encourage a sense of belonging and respect of all Canadians for our laws and values. CIC's main focus has been on school children, newcomer communities and new citizens. The Department reaches out to the public through national distribution of posters, activity guides and over three thousand citizenship ceremonies annually.
175. To promote the two-way concept of integration, CIC launched the "*Canada: We All Belong*" campaign and supporting products in 2000. The Welcome Home component of the campaign asked the children of Canada to send messages of welcome to immigrants and refugees on whom Canadian citizenship was conferred. The children responded with thousands of messages, drawings, poems and haikus. Approximately a quarter of a million *Welcome Home* posters have been distributed to schools, settlement organisations, Members of Parliament, boys and girls associations and other organisations.
176. The "*Canada: We All Belong*" campaign helps immigrants and refugees to feel more welcome, and also gently reminds Canadians to be more welcoming of newcomers. The Activity Guides, with their cross-curricular, multi-grade approach, fit well into provincial/territorial school curricula. For Canada's Citizenship Week 2001, which was October 14-20 2001, the Government of Canada conducted a national television and newspaper campaign using the "*Canada: We All Belong*" theme promoting the values of respect, peace and togetherness. This media campaign was initiated to combat the negative perception of some immigrant communities in response to the attacks of September 11<sup>th</sup>.

## Promotion of Arts and Culture to Combat Racism

177. The work of the Arts and Policy Branch of Canadian Heritage supports culture initiatives that combat prejudices that lead to racial discrimination, and more particularly, that promote understanding, tolerance and friendship among nations and racial and ethnic groups. The principle of equity and inclusion are entrenched in the policy directions developed over the last year in national consultation with stakeholders in the community. Initiatives announced by the Prime Minister on May 2, 2001 in support of the arts are informed by these principles. The three key directions of this policy work are excellence and diversity in creativity, connecting people and the arts, and sustaining the sector.
178. In the policy directions, special emphasis is placed on the contribution of Aboriginal cultures and peoples to the identity and spirit of Canada. Fundamental to a vision for the arts is an awareness that Canada has a talent pool in the arts that is increasingly culturally diverse, and the government intends to encourage and sustain cultural diversity through the arts.
179. Aboriginal youth, the fastest-growing segment of the Canada's youth population, are the least likely to acquire the educational and life skills needed to lead stable and rewarding lives, due to economic, cultural and personal hardship. Since 1998, Canadian Heritage has invested in the improvement of the economic, social and personal prospects of urban Aboriginal youth: the Urban Multipurpose Aboriginal Youth Centres Initiative supports the development of a network of culturally-relevant, supportive and accessible projects and activities that are directed at addressing a wide range of issues and needs, which have been identified by Aboriginal youth. These projects are managed by Aboriginal organizations with the guidance and participation of Aboriginal youth.
180. At the conclusion of the United Nations International Year of the World's Indigenous People, the National Aboriginal Achievement Awards were established to recognize and promote the outstanding achievements of Aboriginal people in diverse fields throughout Canada. These awards are continuing with the International Decade of the World's Indigenous People. Celebration of National Aboriginal Day, established in 1996 as June 21, continues to recognize the contributions and achievements of Aboriginal peoples in Canada. These initiatives promote and engender a deeper understanding of Aboriginal peoples and their continuing valuable contributions to Canadian society.
181. Issues relating to racial discrimination are addressed through targeted efforts by the Canadian Studies Program to ensure the representation of Canada's diversity in publicity and educational material, and through the support of projects addressing this diversity in the context of Canadian Studies. The many projects supported include a national conference on the *Teaching, Learning and Communicating the History of Canada*, featuring dialogue on the place of aboriginal history and involving First Peoples scholars,

students and teachers on a significant basis and the successful *Scattering of Seeds* project, a multi-episode series on the history of Canada through the lives of immigrants.

182. In the year 2000, the theme of the Annual Canada Day Poster Challenge was "Celebrating Canada's Diversity". The activities encouraged students to gain an understanding of the people, places and events that helped to establish our diverse society.
183. The *Exchanges Canada* initiative aims at providing Canadian youth with opportunities to experience Canada and connect to other Canadians. Through exchanges, youth develop a greater understanding and appreciation for Canada's rich cultural diversity. In addition, *Exchanges Canada* is undergoing consultations to develop a new programme component on racial discrimination awareness, which would be integrated into Youth Forums Canada programme *Encounters with Canada*.
184. The National Film Board of Canada (NFB) is a public agency that produces and distributes films and other audiovisual works which reflect Canada to Canadians and the rest of the world. The NFB has implemented a number of initiatives to achieve objectives with regard to diversity, including a Special Mandate Team for cultural diversity that promotes the participation of filmmakers from as many diverse cultural communities as possible.
185. Both the English and French programmes of the NFB have programmes and competitions designed to encourage the realization and development of filmmakers from diverse cultural communities. Special programmes also exist to promote aboriginal participation.
186. The NFB has also produced or co-produced at least 15 films (English and French) featuring counter-racism themes.

## Media

187. In the areas of broadcasting, issues relating to racial discrimination are addressed in the *Broadcasting Act* of 1991, which largely promotes equal rights by requiring, among other things, that the Canadian broadcasting system serve and reflect Canadians through its programming and employment opportunities, by taking into account equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of Aboriginal peoples. In addition, the *Broadcasting Act* directs the Canadian Broadcasting Corporation, the national public broadcaster, to provide programming that reflects the multicultural and multiracial nature of Canada. The Canadian Radio-television and Telecommunications Commission (CRTC) regulates the issues of portrayal, employment equity, multicultural and ethnic and Native (Aboriginal) broadcasting. Neither the issues nor the Government's position on such issues have changed in the period under review.

188. In 1996, the Department of Canadian Heritage and Telefilm Canada partnered with private industry to create the Canadian Television Fund (formerly named the Canada Television and Cable Production Fund) to maintain and increase the amount of high quality, distinctively Canadian programming for Canadian audiences. The Fund effectively promotes Canadian culture, intra-national and intra-cultural understanding by encouraging productions in the essential areas of drama, variety, children's shows, documentaries and performing arts in English, French and Aboriginal languages. In 1997/98, the Fund's budget included support for 11 Aboriginal television projects.
189. The Canadian Television Policy Framework, released in June 1999, is a key document by the CRTC which outlines the obligations of broadcasters. It includes rules for various issues including social issues and cultural diversity. All television broadcasters, as a condition of their licence, are required to report on their commitment to accurately reflect the presence of cultural and ethnic minorities and Aboriginal peoples in the communities they serve. Furthermore, licensees are expected to ensure that the on-screen portrayal of all minority groups is accurate, fair and non-stereotypical.
190. The Northern Native Broadcast Access Program (NNBAP) was established under the Northern Broadcasting Policy in 1983. The mandate is to contribute to the protection and enhancement of Aboriginal languages and cultures through funding and assistance to thirteen Native Communications societies for the production and distribution of radio and television programming that meet the cultural, and information needs of Aboriginal peoples. These societies directly service half a million Aboriginal people. Radio programming produced by the societies reaches over 400 communities, predominantly via independent satellite networks. All the television programming produced by the societies is broadcast on the National Cable Television network - The Aboriginal Peoples Television Network. All the societies are located in the three territories and the northern regions of seven provinces.

## **International Aid, Cooperation and Development**

191. Canada's foreign policy, including its international assistance, is guided by overarching objectives, one of which is the expression of Canadian values and culture, which includes respect for human rights and multiculturalism; both of which contribute to the elimination of racial discrimination. The Canadian International Development Agency's (CIDA) mandate is to promote sustainable development in developing countries in order to reduce poverty. CIDA aims to reach the poorest of the poor, many of whom are marginalized as a result of racism and discrimination.
192. CIDA has provided \$341,355 to the Roma Community Development Project in the Slovak Republic. This project's long-term goal is to prevent discrimination against

Slovakia's Roma minority, through building the community's capacity to meet its basic needs, facilitating Roma participation in democratic governance, and by building the capacity of Slovak government officials to design and deliver programmes which are responsive to the needs of the Roma minority.

193. CIDA has contributed \$45,000 to the Vietnam Centre on Population, Labour and Social Affairs to increase the understanding of the legal needs of the Kho Mu ethnic minority, one of the poorest communities in Vietnam. The project surveyed important legal issues for the target group, produced relevant information, and developed training programmes. It allowed the Kho Mu communities to exercise their rights within the framework of Vietnamese law.
194. CIDA has supported the Government of South Africa through a \$7 million grant to assist in its redesign of the educational system in an effort to improve accessibility, quality and equity, especially for non-whites and women of the country's education and training systems.
195. CIDA's Action Plan on Child Protection identifies 'children facing discrimination because of their ethnic or religious identity' as a key group of children who need special protection from violence, marginalization, targeting during conflict and unfair treatment by authorities. The Action Plan commits CIDA to working to identify these children in specific situations and ensuring that they receive the assistance to which they are entitled.
196. CIDA has also taken a number of initiatives that specifically address the needs of indigenous peoples: for example, in recognition of the fact that indigenous peoples around the world often face extreme poverty, social and political marginalization, the Minister for International Cooperation announced in March 2001 the Indigenous Peoples Partnership Program, which provides \$10 million over a four-year period to support inter-Indigenous development.
197. CIDA has provided over \$12 million in support to a programme that promotes respect for human rights and democratic practices as well as peace building, including respect for the identity and rights of the indigenous community in Guatemala. These funds supported activities such as anti-discrimination training for members of the Guatemalan media, encouraged the participation of indigenous Guatemalans in electoral politics, and supported the involvement of indigenous organizations in United Nations-sponsored peace negotiations.



## **PART IV**

### **Measures Adopted by the Governments of the Provinces**

## British Columbia

### General

198. This report contains information on developments regarding the elimination of racial discrimination in British Columbia during the period of June 1997 to May 2001.

### Legislative Framework

199. There are three legislative regimes aimed at eliminating racial discrimination in British Columbia: the *Canadian Charter of Rights and Freedoms* ("the Charter"), the *Human Rights Code*, and the *Multiculturalism Act*. Each will be explained briefly in turn in the following paragraphs.
200. The Charter governs all state action. Although Canada is a federal state, as a constitutional document, the Charter applies to all provinces and territories. In addition, as a result of the Supreme Court of Canada's decision in *Singh v. Canada (Minister of Employment and Immigration)*, [1985] 1 S.C.R. 177, the Charter applies equally to citizens and non-citizens. In keeping with the *International Convention on the Elimination of all Forms of Racial Discrimination*, section 15(1) of the Charter specifically prohibits discrimination based on race, national or ethnic origin, and colour.
201. The provincial *Human Rights Code* also prohibits discrimination on the basis of race, ancestry, place of origin, and colour across four broad areas of provincial jurisdiction: employment, publications, sale and rental of real property, and lastly, public services, accommodations, and facilities.
202. British Columbia's *Multiculturalism Act* aims to:
- recognize that the diversity of British Columbians as regards race, cultural heritage, religion, ethnicity, ancestry and place of origin is a fundamental characteristic of the society of British Columbia that enriches the lives of all British Columbians;
  - encourage respect for the multicultural heritage of British Columbia;
  - promote racial harmony, cross cultural understanding and respect, and the development of a community that is united and at peace with itself; and

- foster the creation of a society in British Columbia in which there are no impediments to the full and free participation of all British Columbians in the economic, social, cultural and political life of British Columbia.

## Demographic Information

203. Between 1997 and 2000, British Columbia's population grew from 3,923,564 to 4,063,760. The most recent demographic information that details population by ethnicity dates from the 1996 Canada census. According to that document, people who self-identified as "visible minorities" accounted for 17.9 percent of the province's total population. The three largest ethnic groups were the Chinese, South Asians, and Filipinos who represented 8.1 percent, 4.3 percent and 1.3 percent of the total population respectively.

## Article 2 : Policy and programme initiatives

### Legislative Measures

204. There have been no changes to the anti racism provisions of human rights or equality legislation during the reporting period.

### Judicial Decisions

205. In 1999, the Supreme Court of Canada ruled on a landmark human rights case in *British Columbia (Public Service Employee Relations Commission) v. BCGSEU (British Columbia Government and Service Employees' Union)*, [1999] 3 S.C.R. 3. Prior to this judgement, a distinction had been drawn between "direct" discrimination, which involved a distinction drawn obviously on prohibited grounds and "adverse effect" discrimination, which arose when seemingly neutral requirements have a discriminatory consequence. In this decision, the Supreme Court of Canada eliminated the distinction, thereby rationalizing the legal analysis to be applied in discrimination cases, including those involving racial discrimination. As such, the case marked a significant evolution in human rights jurisprudence in Canada.
206. Another important development in the fight against hate speech was the decision of the British Columbia Human Rights Tribunal in the *Canadian Jewish Congress v. North Shore Free Press Ltd. and Doug Collins* in 1997. The Human Rights Commission successfully argued through the Deputy Chief Commissioner that the *Human Rights Code*'s provision prohibiting discriminatory publications met constitutional muster. In a decision that balanced the right to be free of discrimination against the right to free speech, the Tribunal held that a newspaper columnist's articles had the cumulative effect

of exposing Jewish people to hatred and contempt. The decision is particularly important in that it upheld section 7(1)(b) of the *Code* which prohibits the publication of unusually strong or offensive statements that are likely to expose a person or a group of persons to hatred or contempt because of race, religion, ancestry or certain other grounds. A full copy of the *Code* may be viewed at: <http://www.legis.gov.bc.ca>.

## Other Measures

### *Statutory Created Advisory Organizations*

207. Other facets of British Columbia's commitment to eradicating racism include the work of the Human Rights Advisory Council and the Advisory Council on Multiculturalism.
208. The BC Human Rights Advisory Council was established in 1998 under the new BC *Human Rights Code* that came into effect on January 1, 1997. It began its work in July 1998. The role of the council is to be the "eyes and ears" of the community by :
- informing the public about the BC Human Rights Commission;
  - bringing human rights concerns to the attention of the Minister and the Commission; and
  - advising the Minister Responsible for Human Rights on matters relevant to the administration of the human rights process in British Columbia.

It accomplishes this task by holding public meetings and consultations throughout the province each year and by producing an annual report.

209. Similarly, the Advisory Council on Multiculturalism is established pursuant to section 4 of the *Multiculturalism Act*. Its role is to advise the Minister Responsible for Multiculturalism on emerging diversity and anti racism issues. Like the Human Rights Advisory Council, members serve on a voluntary basis. The council holds meetings throughout the province and produces an annual report outlining yearly activities and recommendations. Annual reports can be found at : <http://www.ag.gov.bc.ca/public/index.htm> .

*British Columbia Human Rights Commission*

210. During the period under review, the British Columbia Human Rights Commission served as the principal human rights agency in the province<sup>6</sup>. On March 21, 1998, the Commission launched its website thereby increasing access to information about human rights within the province, including information regarding racism, the role of the Commission, the complaint process, and news releases.
211. In 1999, in response to concerns that complaints of racial discrimination were being dismissed in greater proportion than other human rights complaints, the Commission created an internal "Race Complaints Committee" to review the complaint handling process as it related to race complaints. The committee includes Commission staff, a representative from Multiculturalism BC, as well as members from the community.
212. In 1999-2000, the Committee commissioned a researcher to review selected complaint files in order to identify reasons for the lower success rate for race complaints. The Commission also developed training on the investigation of race discrimination complaints.
213. The Human Rights Commission developed a number of new resources during the reporting period.
- a video entitled *Human Rights, My Rights: A Video for Aboriginal People*;
  - a "Racism Fact Sheet" designed to raise awareness of a person's right to live free from racial discrimination. This education resource defines racism, provides examples of racism in the workplace, tenancy, and public services as well as providing information about how to file a formal human rights complaint;
  - an Aboriginal outreach project in recognition of the low number of human rights complaints filed by Aboriginal people;
  - support of the Justice Theatre which dramatizes human rights processes at a community fair, the Pacific National Exhibition. In 1999, the focus was racial harassment;

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<sup>6</sup> Effective April 1, 2003, the British Columbia Human Rights Commission was replaced by a new system. This will be covered in Canada's next report. For more information please visit the following website:  
<http://www.bchrt.bc.ca/>

- an anti-racism online conference on February 18-19, 2000, which brought together students, activists, teachers, and other professionals to develop a better understanding of information technologies and how they affect human rights;
- a harassment guide, which is meant to help employers of all sizes and types to include human rights policy and procedures in their businesses and to model the values of respect and dignity inherent in the *Human Rights Code*. The guide covers all types of discriminatory harassment including that based on race, colour, and place of origin ; and
- a series of public fora in 1999-2000 on the topic of reducing racial barriers to hiring, promotion, and retention in the British Columbia public sector. The goal was to attract a workforce which reflects the diversity of the province's population.

#### *Other Activities*

214. Each year, British Columbia hosts many activities in honour of the International Day for the Elimination of Racial Discrimination in March.
- in 1998, activities included a forum called, "Challenging Systemic Racism" which brought together 120 participants from government, business, labour, community groups, and the public to discuss issues and challenges of systemic discrimination and to increase cross cultural understanding in order to eliminate racism;
  - another event was held in Victoria a day later called "Challenging Racial Discrimination: A Celebration and a Discussion." In 1999, the theme of the forum was "Strategies to End Racism";
  - since 1997, the province has also celebrated End Racism Awards in March each year. The awards recognize the collaborative efforts of individuals, community organizations, and institutions to increase cross-cultural understanding and to eliminate racism.
215. In addition, each year, the government through Multiculturalism BC provides funding to anti-racism and multicultural groups. For example, in 1997-1998, \$1,201,000 was awarded to 84 projects throughout the province. In 1998-1999, funding dropped slightly to \$1,083,312 for 86 projects, and in 1999-2000, \$851,372 went to 75 projects.
216. Annual anti-racism marches have been held in the Vancouver area. The marches in March 1999 attracted several hundred participants. In addition to the walk, human rights workshops were set up in order to explore the roots and appropriate responses to racism,

and a public video room showed anti-racism and multicultural films. In March 2000, the walk was entitled "Celebrating Our Differences: Walk for Unity and Educating Against Racism Conference." As the title suggests, a conference was added onto the event and featured free workshops designed to eliminate racism in the local community.

217. In partnership with three major provincial anti-racism community organizations, the government conducted six regional consultations with concerned citizens in preparation for the United Nations World Conference Against Racism in Durban, South Africa on August 31-September 7, 2001. These consultations informed British Columbia's contribution to the Canadian government's submission to the World Conference.

#### **Article 4 : Prohibition against promotion of racism**

218. Activities to eliminate hate crimes increased dramatically during the reporting period. Examples include the organization of fora in Aboriginal communities. In 1998, such forums were held in Vancouver (March 23, 1998), Prince George (April 20, 1998), and Prince Rupert (April 24, 1998), Penticton (September 22, 1998), Nanaimo (October 5, 1998), and Cranbrook (May 6, 1999). The forums provided the opportunity for communities to relate their experiences with hate crimes and discuss potential solutions.
219. In 1998, the Hate Crime Team played an instrumental role in the provincial telephone company's investigation of the dissemination of hate on the Internet. The mandate of the Hate Crime Team is to ensure the effective identification, investigation, and prosecution of crimes motivated by hate. In March 1999, the Ministry of Attorney General produced its first Hate Crime Team Status Report covering the period from its creation in April 1997 to December 1998. Reported incidents of racially motivated behaviour to police increased from 131 in 1997 to 168 in 1998. Criminal charges increased from 25 to 46 over the same period.
220. In 1999, the province helped to fund a two day conference at the University of Victoria called, "Hatred in Canada: Perspectives, Action, and Prevention." The topic was a discussion of issues relating to hate and possible responses. Furthermore, in November 1999, British Columbia hosted Canada's justice ministers for a conference and hate crime was one of the key agenda items. That same month, the British Columbia Human Rights Commission released a report called "A Call for Action: Combating Hate in BC." The report illustrates how youths are targeted by hate groups and asks citizens to put fighting hate at the top of their community and individual priorities.

## Article 5 : Equality before the law

221. British Columbian's equality rights continue to be guaranteed by the *Canadian Charter of Rights and Freedoms*. Additional information is provided in previous reports.

## Article 6 : Effective protection and remedies

222. The remedies described under the *Canadian Charter of Rights and Freedoms* as well as those under the *Human Rights Code* continue to be available for all British Columbians. Additional information is provided in previous reports.

## Article 7 : Education, Culture and Information

223. British Columbians recognize the importance of education in preventing and eradicating racial discrimination. A list of some of the highlights of government activity during the reporting period follows:
- **May 1997:** Youth anti racism group TROO (Total Respect of Others) presented and facilitated interactive workshops for schools and community groups throughout British Columbia. The group uses theatre games, role playing, and audience participation to discuss racism and hate bias issues with young people.
  - **November 14, 1997:** Multiculturalism BC sponsored a day long youth forum called Reaching Across Differences in Vernon BC. Approximately 275 youth attended and discussed issues relating to multiculturalism and elimination of racism. The session began with speeches, then theatre performances, and ultimately workshops which created recommendations. The recommendations have led to school initiatives and have been incorporated into Multiculturalism BC's strategic planning process.
  - **December 1997:** a Safe School Centre opened in Burnaby. Its purpose is to serve as a resource centre for schools across the province providing information, resource materials and examples of best practices to address a range of safe school issues, including preventing crime and violence and celebrating diversity. The centre profiles successful ongoing programmes such as STAAR (Students Taking Action Against Racism).
  - **August 1998:** The British Columbia Human Rights Commission provided funding to allow the People's Law School to stage dramatizations of human rights complaints at the Pacific National Exhibition (a large fair in Vancouver). The topic in 1998 was racial discrimination, specifically hate publications. The plays

provided a forum for the public to view a human rights hearing, to discuss the balance between the right to live free from discrimination and the right to freedom of expression, and to learn about the social impact of hate literature.

- **Fall 1998:** The Ministry of Education published *Shared Learnings: Integrating BC Aboriginal Content K-10*. The resource is designed to provide guidance in integrating Aboriginal topics in all subject areas at an introductory level. The aim is to provide a guide for educators that will assist in creating greater sensitivity to and respect for the richness and diversity of the Aboriginal peoples of British Columbia.
- **1998-1999:** Multiculturalism BC entered into a partnership with Central Okanagan School District. Funding supported Racism Free Schools and School District Action plans designed to create a racism free school district.
- **1998-1999:** The government provided funding to the Department of Counselling Psychology, the Faculty of Education at the University of British Columbia in Vancouver. The purpose of the financial support was to permit the Faculty of Education to develop, implement and evaluate the Anti Racism Response training module in its Teacher Education Program.
- **1998-1999:** In recognition of the 50<sup>th</sup> Anniversary of the *Universal Declaration on Human Rights*, a human rights video series, *Not in Our Back Yard*, was held, a resource bibliography on human rights was developed with the Vancouver Public Library, and a special event to honour a new documentary on the life of the late Chief Dan George, Burrard First Nation, was held at the Vancouver International Film Festival.
- **October 1999:** The government released a series of resource guides created for the provincial education system to help identify and combat racism. The five guides are directed at students, parents, elementary and secondary school teachers, and administrators. Each booklet uses workshops to present real life scenarios of inadvertent or intended racism coupled with strategies for resolving conflicts. Strategies focus on non-confrontational, positive ways to address racism and arrive at a better understanding of other cultures. The guides have been widely distributed to schools, educators, and community organizations throughout British Columbia.
- **December 10, 1999:** In partnership with the BC Federation of Teachers, government launched the BC Human Rights Champions Award Program designed to encourage school-age children to carry out activities aimed at promoting respect

for human rights. Many of the student activities recognized by the programme were aimed at preventing or responding to racism.

- **June 1, 1997 – May 31, 2001:** The government provided funding to the People's Law School to stage a total of 319 Justice Theatre dramatizations in schools throughout British Columbia on themes of racism and hate crime. These performances educated youth on a number of subtopics such as racial discrimination in the workplace, race-based criminal assaults, and homophobic discrimination and violence.

## Alberta

### General

224. Alberta's submission to Canada's fifteenth and sixteenth reports updates to May 2001, the information contained in Canada's thirteenth and fourteenth reports.
225. The Government of Alberta is committed to equality and full participation for all Albertans. Dealing with racism and discrimination is a shared responsibility – government, business, community organizations and public institutions.
226. The government responds to issues of racism in a variety of ways:
- ensuring that Alberta Government policies, programmes and legislation comply with United Nations human rights treaties that are ratified by Canada;
  - passing legislation such as the *Human Rights, Citizenship and Multiculturalism Act* or the *Holocaust Memorial Day and Genocide Remembrance Act*;
  - developing business plans, strategic directions and policies that reflect government values and goals of creating an environment free from discrimination;
  - implementing specific programmes within ministries to address these issues;
  - providing funding to community organizations to assist them to develop and carry out initiatives; and
  - providing advice and assistance to individuals and organizations wishing to respond to equity or inclusion concerns.

### **Alberta's *Human Rights, Citizenship and Multiculturalism Act***

227. The Alberta Government, through the Department of Community Development, continues to promote the understanding and acceptance of diversity with the *Human Rights, Citizenship and Multiculturalism Act* and to protect human rights to ensure that all Albertans can participate and contribute equally to the cultural, social and economic life of Alberta.

## **Aboriginal Affairs and Northern Development**

228. Aboriginal Affairs and Northern Development develops government-wide policy and strategic recommendations to guide the province's relationship with Aboriginal people in a manner that balances the interests of all Albertans. Aboriginal Affairs and Northern Development provides advice to the Premier, Ministers, government departments and agencies, Aboriginal and non-Aboriginal organizations and the business sector.
229. In 2000, the Government of Alberta adopted a cross-ministry priority Aboriginal Policy Initiative (API) whose purpose is to work with Aboriginal people, federal and municipal governments, industry and other interested parties to improve the well-being and self-reliance of Aboriginal people and clarify federal, provincial and Aboriginal roles and responsibilities. This purpose relates to the Government of Alberta Business Plan Goal 6: "The well-being and self-reliance of Aboriginal people will be comparable with that of other Albertans". Three Ministries champion the API: Aboriginal Affairs and Northern Development, Children's Services, and Justice. Each government ministry is committed to working with these co-champions to achieve this government goal, with performance being measured annually by an external panel.
230. Work towards achieving Business Plan Goal 6 is focused on improving the health status and well-being of Aboriginal people, supporting life-long learning opportunities for Aboriginal people, promoting appreciation of Aboriginal cultures, increasing the participation of Aboriginal people in the Alberta economy, and clarifying federal/provincial/ Aboriginal roles and responsibilities.

## **Article 2 : Policy and programme initiatives**

### **Aboriginal Affairs and Northern Development**

231. In each fiscal year from 1997-1998 to 2000-2001, Aboriginal Affairs and Northern Development provided approximately \$2.3 million in funding to the province's 20 Native Friendship Centres and the Metis Nation of Alberta Association. The Friendship Centres aim to improve the quality of life for Aboriginal people in urban environments. They support self-determined activities that encourage equal access and participation of Aboriginal people in Canadian society while emphasizing Aboriginal cultural distinctiveness. During this reporting period, the centres used the funding for numerous projects to improve cultural and cross-cultural awareness, including powwows, workshops, community liaison activities and Aboriginal dance, crafts and language courses.

232. The Metis Nation of Alberta Association works towards enhancing the socio-economic well-being of the Metis of Alberta who are not members of Alberta's eight Metis Settlements. Under the *Alberta/Metis Framework*, the Association uses the core funding provided by the province to engage in joint planning and action with the province to ensure effective participation in the design, development and delivery of provincial policies, programmes and services.
233. Aboriginal Affairs and Northern Development was involved in three Treaty Land Entitlement settlements with First Nations in Alberta during the reporting period for a total of approximately 71,000 acres of land and \$12.5 million. Treaty Land Entitlements settlements are important steps to establishing an economic base and developing the infrastructure to improve the standard of living for the Indian population. Treaty Land Entitlements principally involve the federal government, which has the primary responsibility under the Canadian Constitution. Claims also may involve the province because the province is obligated to transfer to the federal government unoccupied lands it requires to fulfil its treaty responsibilities.

#### **Alberta Justice, Alberta Solicitor General**

234. Alberta Justice and Alberta Solicitor General have established the Aboriginal Justice Initiatives unit, which serves both ministries and whose director is a member of both executive committees. This unit liaises with each division in both departments, with other ministries, and with Aboriginal people and communities on justice and issues related to the achievement of the government's goal that "The well-being and self-reliance of Aboriginal people will be comparable with that of other Albertans".
235. Examples of Aboriginal justice initiatives include the provision of Aboriginal cultural awareness training to over 450 Alberta Justice and Solicitor General staff (10 percent of total staff) in 2001 – 2002. The ministries funded 60 community justice initiatives in 48 Aboriginal communities, an increase of 36 percent in the number of projects and 30 percent in the number of communities served over 2000- 2001. These include Youth Justice committees, crime prevention initiatives, victims' services, community corrections programmes, and First Nations policing services. It is noted that the Provincial Court of Alberta sits at three First Nations communities and is supported by community-based services provided by the community, Alberta Justice and Solicitor General. Alberta Justice has established Aboriginal liaison prosecutors to liaise with Aboriginal communities on justice-related issues.
236. Alberta Solicitor General is working with representatives of Treaty 8 First Nations of Alberta, the federal government and Royal Canadian Mounted Police to consult with First Nations authorities at Treaty and Tribal Councils on how to provide effective policing services to First Nations. Alberta Solicitor General has entered into a number of

partnerships with Aboriginal communities for the provision of correctional services. At Correctional Centres it provides Aboriginal spiritual and cultural programmes through the services of Native Programme Co-ordinators. These include sweet grass ceremonies, sweat lodges, round dances, and pow wows.

## **International and Intergovernmental Relations**

237. International and Intergovernmental Relations oversees Alberta's nine twinning relationships, often referred to as sister-province relationships with provinces/states in China, Japan, South Korea, Russia, South Africa, Argentina, Mexico and the United States. These relationships support activities undertaken by local citizens, municipalities, and the province, which help increase understanding of other peoples, cultures, and economies; in this way contributing to the elimination of barriers, which often lead to racial discrimination.

## **Alberta Health and Wellness**

238. Alberta Health and Wellness initiated the Aboriginal Health Strategy to address a marked disparity in health status between Aboriginal Albertans and the general population. Part of this disparity may stem from racism and systemic discrimination in the health care system that this Aboriginal Health Strategy is intended to address. The Aboriginal Health Strategy was developed after extensive consultations with Aboriginal communities and organizations and was intended to evolve over time to meet the changing health needs of Aboriginal Albertans.
239. The Strategy has five major objectives: (1) to improve primary health care services in remote Aboriginal communities; (2) to improve access by Aboriginal peoples to provincial health services; (3) to establish partnerships with provincial Aboriginal associations and communities to design appropriate health services; (4) to improve the level of knowledge of Aboriginal people about their health and the health care system; and (5) to improve Aboriginal participation in the health workforce through health careers bursaries.
240. Since its inception, the Strategy has spent or committed over \$10 million to support community-based partnership initiatives to improve the health and well being of Aboriginal Albertans and has provided over 216 bursaries to assist Aboriginal students to pursue careers in a health field. Some examples of the types of community-based partnership initiatives include: community actions to prevent suicide and other injuries; programmes to blend traditional healing practices with western healing methods; and in-service training programmes for health care professionals to improve their knowledge of Aboriginal culture and healing ways. In addition, many of Alberta's 17 health regions

have initiated their own programmes to improve access to health services for Aboriginal Albertans within their region.

### **Alberta Children's Services**

241. Alberta Children's Services has agreements with sixteen First Nation or Tribal Council Child Welfare Agencies whereby these Agencies deliver provincial child welfare services to all persons residing on the reserves of thirty-eight of the forty-six First Nations in Alberta. The Ministry's Child and Family Services Authorities provide child welfare services on the reserves of the remaining eight First Nations.

### **Community Development**

242. The Wild Rose Foundation Quarterly Grants Program provides grants to non-profit organizations in Alberta working principally in the area of human services to assist with projects that benefit the greater community. Aboriginal groups are often recipients of these grants.

### **Article 5 : Equality before the law**

243. In the fiscal year of 2000-2001, complaints to the Human Rights and Citizenship Commission based upon the grounds of race/colour and ancestry/origin represented 10 percent and 8 percent respectively of the total grounds cited. By way of comparison, complaints based on gender and physical disability each represented 28 percent.
244. On June 2, 1997, the Alberta government enacted the *Child and Family Services Authorities Act*, which affirms the government's commitment to develop and provide programmes and services to First Nations, Metis and other aboriginal peoples that reflect their values, beliefs and customs in a respectful and collaborative manner. The Act creates a community-based system of regional Authorities, allowing child and family services and programmes to be planned on the basis of local needs. When appointing board members to a regional Authority, the Minister of Children's Services must have regard to the aboriginal population of the region administered by the Authority. In 1999, the Minister established a Metis Settlements Child and Family Services Authority.

### **Article 7 : Education, Culture and Information**

245. Alberta Aboriginal Affairs and Northern Development distributed approximately \$900,000 in grants for cultural awareness, education and development projects during the reporting period. The majority of these projects were conferences, powwows, and Native awareness events. The largest projects revolved around the Treaty 8 centennial

commemorative events during 1999. A series of events at three locations were held during the year with historical projects occurring in conjunction with the celebrations.

## **Aboriginal Education**

246. In 1999, Alberta Learning initiated a review of the Native Education Policy in Alberta. The policy statement indicates that the Ministry "supports education programmes and services which provide enhanced opportunities for all Alberta students to develop an understanding and appreciation of Native histories, cultures and lifestyles. These programmes and services also provide opportunities for Native people to help guide and shape the education their children receive." The purpose of the policy review was to (1) determine and define the role, responsibilities and jurisdiction of Alberta Learning in the education of First Nation, Métis, Inuit and other Aboriginal learners, and (2) establish directions in legislation, policy and regulation in the delivery of programmes and services to First Nation, Métis and Inuit learners. Alberta Learning is currently moving forward on policy matters related to the policy review.
247. Alberta Learning continues to support the Native Education Policy objectives through a number of initiatives.
- In 1999/2000 funding for Native Education Projects was over \$4 million. The Native Education Project has established initiatives in four main areas: Aboriginal personnel, Aboriginal learning resources, Aboriginal language development, and cultural awareness.
  - The Aboriginal Studies 10, 20, and 30 programme is intended to provide a conceptual framework for all learners as a means to better understanding and respect for the similarities and differences among different Aboriginal cultures. These programmes are being provincially implemented in 2002.
  - Provincial programmes in Aboriginal languages include Blackfoot and Cree language and culture at the 10, 11 and 12 levels. Locally developed programmes include Blackfoot and Stoney language at the 10 and 11 levels.
  - Participation continues in the Western Canadian Protocol Social Studies Kindergarten to Grade 12 Project to include Francophone and Aboriginal culture and history.
  - The development of the Alberta Social Studies Programmes of Study, Kindergarten to Grade 12 is underway. This development includes Aboriginal and Francophone writers and teacher members. The core elements are citizenship,

identity and diverse perspectives, and anticipated topics include racism, stereotyping, and safe and caring learning environments.

## Immigrants and Refugees

248. Alberta Learning continues to provide operating grants to immigrant-serving agencies to assist the integration of immigrants and refugees to the province. Immigrant-serving agencies are supported to deliver services such as counseling and English as a second language (ESL) assessment and referral. Adult English as a second language curriculum, innovative projects and learning opportunities are also supported through ESL providers, Community Adult Learning Councils and volunteer tutor adult literacy services. In 1999/2000 a province-wide assessment was undertaken of the needs of immigrants for settlement and employment services. In 1999/2000, the funding cap for English as a Second Language was removed for Grades 1 to 12.
249. Alberta Learning develops and distributes several publications for immigrants free of charge to schools, careers development centers and the public. New resources to support ESL programming in senior high schools were developed, as well as a guide to ESL for elementary schools. Alberta Learning publishes and distributes free of charge *Welcome to Alberta*, a booklet for new immigrants and *English Express*, a newspaper for adults learning to read.

## Community Development

250. One of the core businesses contained in the Community Development Business Plan is protecting human rights and promoting fairness and access. The ministry accomplishes these through :
- resolution of complaints made under the *Human Rights, Citizenship and Multiculturalism Act*;
  - public education, information and consultation services; and
  - financial assistance to community human rights and diversity projects through the Human Rights, Citizenship and Multiculturalism Education Fund.
251. The Human Rights and Citizenship Branch is involved in educational initiatives which relate to a broad definition of human rights, including diversity and multiculturalism. Some examples of the anti-racism education, information and consultation services that the Human Rights and Citizenship Branch provides or develops include:

- development of resources such as the annotated bibliography of human rights materials for children and youth;
- participation in the City of Calgary Listening Circle process which responds to barriers to full participation identified by the Aboriginal community;
- consultation with community members produced a strategic direction for human rights and diversity work in the province. The report, *Promoting Equity and Fairness for all Albertans*, will help the community and the ministry respond to community needs in this area;
- work with the Calgary Cultural and Racial Diversity Task Force to assist private, not for profit and public sector organizations to create and maintain environments that affirm, respect, reflect and celebrate the racial and cultural diversity of our society.

252. The Human Rights, Citizenship and Multiculturalism Education Fund supports community organizations in undertaking human rights and diversity initiatives that lead to change. Some examples of community initiatives supported by the Education Fund that deal with racism include:

- Calgary Jewish Centre: Holocaust Education Symposia: Three half-day workshops involving 1800 grade 12 students who receive an historical overview of the Holocaust within the context of World War II and then relate this information to examples of racism, genocide and hatred today.
- Committee on Race Relations and Cross Cultural Understanding: A Rock Against Racism Concert for youth to acknowledge the Day to Eliminate Racial Discrimination, March 21.
- East Prairie Metis Settlement: Workshops were developed to deal with discrimination. In addition, information packages and resources and contacts were provided to support the workshops among youth, adults and elders.
- Institute for the Advancement of Aboriginal Women: *The Rights Path – Alberta* booklet was updated and reprinted. The booklet will be used in workshops, seminars and educational settings to provide information to the Aboriginal population on their rights and responsibilities as individuals.
- Northern Alliance on Race Relations: Anti-Racism In-service Education will be offered to Alberta teachers. These workshops will assist them to practice inclusiveness in their classrooms. Participants will examine school policies to

detect bias and racism. They will develop strategies to work effectively with parents to improve race-relations, and will leave the workshop with hands on tools and an action plan for their individual use on race-relations.

253. The Cultural Diversity Institute (CDI) was established in 1998 through an agreement between the University of Calgary and the Government of Alberta, Ministry of Community Development. The CDI has a provincial mandate "to create and disseminate knowledge and information regarding cultural diversity and its effects on human interaction, and to look at ways of developing a greater understanding and appreciation for the knowledge, skills and attitudes necessary to fully realize the benefits of cultural diversity."
254. The Alberta Youth Leadership Program was developed as a result of concerns expressed by the Native Justice Initiatives Unit of the Department of Justice regarding the high percentage of Aboriginal youth in conflict with the law. Alberta's Future Leaders' Programme is designed to use sport, recreation, arts, drama, and leadership development as both prevention and intervention to address the needs of Alberta's Aboriginal youth. Programmes include wilderness/adventure camps, a touring arts programme, mentor/leadership activities and sport and recreation programmes.
255. The Alberta Foundation for the Arts supports the arts in Alberta and provides funding to events and activities such as the National Aboriginal Day Festival, Fort Whoop-Up Interpretive Society in Lethbridge and heritage festivals organized by Alberta's ethnic communities which promote interracial understanding and harmony and encourage awareness of Aboriginal and other cultures.
256. The Sport and Recreation Branch provides annual funding to the Indigenous Sport Council (Alberta) (ISC(A)). The ISC(A) is committed to Indigenous Youth and has tirelessly worked to bridge the relationships between non-indigenous education, sport and recreation systems and ISC(A) programming.
257. Alberta Community Development is responsible for the First Nations Development Fund, arising out of the First Nations Gaming Policy. The Department commenced ongoing discussions with the First Nations of Alberta about the administrative and management parameters for the First Nations Development Fund.
258. Community Development Volunteer Services Branch worked with Alberta First Nations and Metis in facilitating and training through various projects involving strategic and long range planning, and board development topics. The branch has worked with First Nations Bands, with the Metis Nation of Alberta, with Metis Settlements and Metis locals, with aboriginal non-profit/volunteer organizations, and with other individuals or projects involving the aboriginal population. The branch also worked with other government

departments on Aboriginal initiatives such as the Native Education Review conducted by Alberta Learning.

259. The *First Nations Sacred Ceremonial Objects Repatriation Act*, the first legislation of its kind in Canada, received Royal Assent in May 2000. This legislation allows for the return of ceremonial objects to First Nation communities of origin, upon request. This initiative is now in its second phase, involving extensive consultations leading to the development of First Nation community-sanctioned regulations through which the repatriation process will continue.
260. The Ethnology Programme at the Provincial Museum is directly involved in managing 16,000 artifacts, a number of which are Aboriginal sacred ceremonial objects. Ethnology Programme staff provide direct and essentially daily service to Aboriginal communities, in managing these collections and ensuring that they are accessible to Aboriginal people. Much of the Ethnology Programme is currently devoted to loan and repatriation issues directly affecting First Nations People and connected with *First Nations Sacred Ceremonial Objects Repatriation Act*.
261. The Siksika Nation received funding under the Centennial Legacies Grant Programme to construct a new museum and cultural centre to house and display their significant collection of historic Blackfoot materials. The Centennial Legacies Grant Programme provides funding for communities to construct new facilities or renovate existing facilities which will leave a lasting legacy in commemoration of Alberta's 100<sup>th</sup> anniversary.
262. The Ministry played a lead role in directing Cabinet's attention to problems related to abandoned human burials and gravesites in Alberta, many of which contain remains of Aboriginal people. The Ministry will continue to play a lead role on the interdepartmental working committee to provide resolutions to these issues.
263. The Provincial Museum of Alberta, Syncrude Canada Ltd. and the National Aboriginal Achievement Foundation continue to jointly fund a summer internship programme for Aboriginal people interested in pursuing a career in Museum or Historical Resource management.

## Saskatchewan

264. Saskatchewan's submission to Canada's fifteenth and sixteenth reports updates to May 2001, the information contained in Canada's previous reports.

### Article 2 : Policy and programme initiatives

#### The Saskatchewan Human Rights Commission

265. The Saskatchewan Human Rights Commission continues to be the agency responsible for administering and promoting the *Saskatchewan Human Rights Code*.
266. Amendments to the *Saskatchewan Human Rights Code* were proclaimed in November 2001. The amendments replace the ad hoc board of inquiry system with an independent human rights tribunal panel consisting of at least three members, serving five year terms.
267. The amendments streamline the complaint process. The Saskatchewan Human Rights Commission can tailor procedure to different types of complaints and adapt procedures as appropriate. The Chief Commissioner, rather than the full Commission, can approve settlements, dismiss complaints, grant exemptions and refer complaints to the human rights tribunal. The Commission can defer investigation of a complaint if the substance of the complaint could be dealt with more appropriately under another statute or proceeding. The Chief Commissioner can dismiss a complaint if the complaint raises no significant issue of discrimination, is made in bad faith, is made for improper motives, or where the substance of the complaint has been dealt with more appropriately under another statute or proceeding. A complainant who disagrees with a decision to dismiss a complaint can apply to the human rights tribunal for a hearing; if the tribunal agrees to a hearing, the complainant then assumes carriage of the complaint either in person or through a lawyer.
268. The amendments also enhance the enforcement and remedy provisions of the Code. They increase the maximum award for compensation for injury to feelings or self-respect from \$5,000 to \$10,000. The Chief Commissioner can monitor compliance with an order where the tribunal includes this as part of an order.

## Employment Equity

269. Employment equity is a plan of action for the public service workplace to ensure all members of society have fair and equal access to employment opportunities. It involves developing special measures and removing barriers to employment for groups currently under-represented in the workforce.
270. The Government of Saskatchewan has an employment equity plan with three primary goals:
- to eliminate employment barriers caused by discrimination and disadvantage;
  - to remedy the effects of, and prevent future, discrimination and disadvantage; and
  - to create a workplace that reflects the equitable distribution of designated groups in the labour market.
271. The four designated groups addressed by the Employment Equity Program are women in management and non-traditional jobs, persons of Aboriginal ancestry, persons with physical or mental disabilities, and members of visible minority groups.
272. Government departments, supported by senior management, employment equity committees, and the unions, implement actions to improve the recruitment, promotion and retention of the designated groups. These actions include:
- Recruitment strategies:
    - broad outreach initiatives with the designated group communities such as educational institutions, multi-cultural organizations, and support organizations;
    - maintenance of an inventory of resumes to support hiring managers in their recruitment efforts;
    - an Aboriginal Internship Program, to enhance access to careers in the public service, with planned job rotation and learning and development opportunities; and
    - elimination of systemic barriers in job descriptions, the recognition of foreign credentials, and the acceptance of transferable skills and competencies.

- Retention strategies:
  - implementation of an Anti-Harassment Policy. Training sessions are provided and a process is in place to handle complaints fairly and efficiently;
  - establishment of policies which recognize the need to balance work and family responsibilities;
  - development of an education and awareness programme, 'The Road to Equity', which is used for departmental training; and
  - tuition and book reimbursement, developmental job rotations, and special work assignments.

273. The Aboriginal Government Employees' Network (AGEN), established in 1992, is an organization that is working to increase the employment and retention of Aboriginal people in government. AGEN encourages the goal of achieving a representative work force in communities throughout Saskatchewan.
274. The Saskatchewan Visible Minority Employees' Association (SVMEA) was established in 1997 to assist visible minority employees in the provincial executive government and provincial Crown corporations who are encountering barriers within their work places, such as hostility, stress through harassment, isolation and exclusion, and stereotyping of their abilities based on group membership.

### **Women's Secretariat<sup>7</sup>**

275. In November 1999, the Women's Secretariat published a *Profile of Aboriginal Women in Saskatchewan*. This document compares the situation of Aboriginal women and men, and Aboriginal and non-Aboriginal women. It provides information concerning First Nations women living on and off reserves, and Métis women. Issues covered include: demographics, education, employment, income, housing, families, violence and health. The document has been distributed to Aboriginal organizations, Aboriginal women's groups, government and research institutes. It is available online at: <http://www.swo.gov.sk.ca/pub.html#ProfAbWomen> .
276. 1996 Census data, and some more recent data from other sources, was used to prepare statistical updates on the status of Aboriginal, visible minority and immigrant women.

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<sup>7</sup> The Women's Secretariat was merged with the Department of Labour on April 1, 2002, and is now the Status of Women Office, Saskatchewan Labour.

Statistical updates can be found at:

<http://www.swo.gov.sk.ca/Vis%20Min%20factsheet%20final.pdf>

<http://www.swo.gov.sk.ca/Immigrant%20women%20final.pdf>

<http://www.swo.gov.sk.ca/Aboriginal%20women%20final.pdf> .

277. While some Aboriginal women are achieving success in education and employment, the socio-economic status of Aboriginal women remains low, and major problems continue to be experienced in housing, family situations, family violence and health. The current self-revitalization of the Aboriginal community and traditional values, coupled with initiatives in self-government, hold promise for the future. Aboriginal women still face challenges in having their voices heard within Aboriginal organizations and in society in general. Aboriginal women, men, girls and boys, continue to experience racism in society.
278. Some visible minority women are from families that have been Canadians for several generations. Others are more recent immigrants to Canada. Recent immigrants to Canada are more likely to be from visible minority groups, compared to the earlier waves of immigration from Western and Eastern Europe. Racial discrimination and harassment continue to be experienced by both long-time and new Canadians.
279. Statistically, visible minority people are polarized economically at the higher end of the pay scale spectrum and at the lower end. For visible minority group members that are immigrants, this reflects the type of immigrants allowed into Canada - professionals who fill a labour force need in the province, or those who immigrate based on humanitarian grounds.
280. Despite their higher levels of education, Saskatchewan women who are members of a visible minority group are concentrated in low paying service sector industries. More than half of visible minority women over the age of 15 have annual gross incomes of less than \$10,000. Lack of recognition of foreign credentials is an important factor in lower earnings.

## **Labour**

### *Demography*

281. The Department of Labour does not collect statistics respecting the race, ethnicity, or primary language of Saskatchewan workers, but there is strong anecdotal evidence to support the contention that visible minority workers and workers of Aboriginal ancestry are underrepresented in Saskatchewan's labour force. Migrant labour is not a significant issue in the province.

282. The Saskatchewan Public Service Commission maintains statistics respecting the proportional representation of provincial government workers who self-declare as members of the following “designated groups”: visible minorities, persons of Aboriginal (Indian, Métis and Inuit) ancestry, people with disabilities, and women in management or non-traditional occupations.

*The Labour Standards Act, 1978*

283. *The Labour Standards Act* (LSA) mandates workplace standards. It protects individuals from employer retaliation for reporting victimization due to race.
284. Section 74(1) of the LSA provides:
- 74(1) No employer shall discharge or threaten to discharge or in any manner discriminate against an employee because the employee:
- (a) has reported or proposed to report to a lawful authority any activity that is or is likely to result in an offence pursuant to an Act or an Act of the Parliament of Canada; or
  - (b) has testified or may be called on to testify in an investigation or proceeding pursuant to an Act or an Act of the Parliament of Canada.
285. The penalties for breaches of the LSA are: a fine of not more than \$2,000 for a first offence; and, in the case of an offence committed within six years after conviction for an offence, a fine of not more than \$5,000 for a second offence and a fine of not more than \$10,000 for a third or subsequent offence.

*The Occupational Health and Safety Act, 1993*

286. Under *The Occupational Health and Safety Act, 1993* (OHSA), employers have a general duty to protect their workers from harassment. Section 3(c) of the OHSA reads:
- Every employer shall:
- (c) ensure, insofar as is reasonably practicable, that the employer’s workers are not exposed to harassment at the place of employment;
287. The OHSA also prohibits workers from engaging in harassment. Section 4(b) of the OHSA states:
- Every worker while at work shall:
- (b) refrain from causing or participating in the harassment of another worker;
288. Assuming that an incident of harassment did not result in death or “serious injury”, under section 58(4) the penalty assessed would be:
- (a) for a first offence:
    - (i) that is a single, isolated offence, to a fine not exceeding \$10,000;

- (ii) that is a continuing offence:
    - (A) to a fine not exceeding \$10,000;
    - (B) to a further fine not exceeding \$1,000 for each day or portion of a day during which the offence continues;
  - (b) for a second or subsequent offence:
    - (i) that is a single, isolated offence, to a fine not exceeding \$20,000;
    - (ii) that is a continuing offence:
      - (A) to a fine not exceeding \$20,000;
      - (B) to a further fine not exceeding \$2,000 for each day or portion of a day during which the offence continues.
- 289. Saskatchewan Labour's Prevention Services Branch has worked with Saskatchewan Education<sup>8</sup> to have information pertaining to workers' rights and responsibilities included in the Practical and Applied Arts component of the province's high school curriculum.
- 290. To ensure that youth of Aboriginal ancestry are apprised of their rights and responsibilities under provincial labour legislation, Saskatchewan Labour delivers education and awareness activities through its *Ready for Work – Aboriginal School Pilot Project*. This has included presentations at on-reserve schools. (The Department also will deliver this training package, which focuses largely on the provisions contained in the LSA and OHSA, to any client group upon request).
- 291. Saskatchewan Labour's Employment Equity Committee hosts an annual internal awareness event to commemorate the International Day for the Elimination of Racial Discrimination. This is one of four annual in-house events the committee holds to encourage the hiring, retention and promotion of equity-seeking group members, including Aboriginal and visible minority workers.

## Aboriginal Affairs

- 292. In 1992, the former Indian and Métis Affairs Secretariat<sup>9</sup> developed the Aboriginal Employment Development Program (AEDP) as a response to the changing needs of the Aboriginal population. The AEDP is designed to take a bilateral, pro-active integrated and focussed approach to promote Aboriginal training and employment in Saskatchewan. The AEDP initiated the Representative Workforce Strategy that is based on the principles of developing partnerships with employers, integrating Aboriginal people into the workforce, and creating an equal playing field.

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<sup>8</sup> The Departments of Education and Post-Secondary Education and Skills Training were merged into one Department, Saskatchewan Learning, in 2002.

<sup>9</sup> Now Saskatchewan Government Relations and Aboriginal Affairs

293. An important aspect of the partnership process is the creation of “fair workplaces” which are ready to hire and retain Aboriginal employees in an atmosphere of mutual respect. Through the use of cultural awareness training, delivered by Aboriginal persons, misconceptions and stereotypes can be reduced in workplaces. Close to one thousand senior managers and supervisors have received cultural awareness training and the demand for training at all employee levels in both the private and public sector continues to grow.
294. The partnership process is beneficial for all involved. It creates meaningful employment opportunities for Aboriginal people leading to less reliance on provincial support services while meeting many of the current and future staffing needs of employers. The partnerships help create diverse workplaces built on co-operation and mutual respect while improving human resource management in organizations. Finally, the partnerships are good for business as they help organizations become better equipped to respond to a growing Aboriginal clientele.
295. Aboriginal Affairs is involved in 40 partnerships with public and private sector employers, Aboriginal and non-Aboriginal educational institutions, organized labour, Aboriginal organizations and government.

## **Environment and Natural Resources**

296. Strategic Plan for Workplace Diversity: This policy initiative provides the guidance and direction within Saskatchewan Environment and Resource Management (SERM)<sup>10</sup> as the Department strives to create a more representative, diverse workforce. Activity highlights have included: partnership projects with the Saskatchewan Indian Federated College (SIFC); establishing a corporate recruitment goal of 50 per cent of all levels and types of staff vacancies to be designated first to employment equity groups in 1999 and in 2000; advancing the Aboriginal Affairs Policy Framework which aims at engaging Aboriginal people in developing consultation processes, relationships and partnerships that will meet everyone's interests; providing the Aboriginal Cultural Awareness Program to more than 300 employees; and engaging a Workplace Diversity Consultant to work directly with managers to build capacity to recruit and retain people who offer diversity to SERM's workforce.
297. The Aboriginal Advisory Committee (AAC) has been established as a new and influential standing committee of SERM Aboriginal employees with the purpose of providing SERM Executive Committee, the Public Involvement and Aboriginal Affairs Unit and the

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<sup>10</sup> Now Saskatchewan Environment

Corporate Development Unit with advice on corporate issues and policies that impact on Aboriginal communities and employees; addressing issues that may be identified by the Employment Equity Committee that are specific to Aboriginal employment; liaising with the Aboriginal Government Employees Network (AGEN); providing support and acting as advisors and models to other Aboriginal employees; and monitoring progress of SERM's Aboriginal programme.

298. In 1999 SERM expanded its existing partnerships with the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation of Saskatchewan (MNS) which has had the effect of adding 13 positions to the environment and resource management personnel in the province who work alongside SERM staff.
299. SERM, in consultation with communities, Tribal Councils and First Nation Police Management Boards, has developed a programme which uses alternative methods and a restorative approach in dealing with individuals charged with renewable resource offences. It focuses on problem-solving, community needs and reintegrating the offender. A similar programme is currently under development between SERM and the Métis community.
300. With respect to the aboriginal business development, SERM has been actively promoting models of partnership among industries, government and Aboriginal peoples and northern communities. Some examples of the sectors that have experienced positive impact from these partnerships include: forestry, provincial parks, northern fisheries, and outfitting.

## **Agriculture**

301. Saskatchewan Agriculture and Food<sup>11</sup> has established a cross-branch team on Aboriginal Economic Development to enhance the Department's ability to partner with, provide services to, and encourage and support the participation of the Aboriginal community in the province's agricultural sector. Every Branch is represented on the team, facilitating the integration of this strategic objective in all aspects of the Department's programming and delivery.

## **Justice**

302. The Strategic Plan of the Department of Justice includes an Aboriginal core strategy: "The justice system responds to the needs and values of Aboriginal people and contributes to a more inclusive society". To accomplish this goal, Saskatchewan Justice works

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<sup>11</sup> Now Saskatchewan Agriculture, Food and Rural Revitalization

cooperatively with Aboriginal governments and organizations to provide Aboriginal justice programmes, such as:

- Community justice programmes involve crime prevention, public education, resolving community conflict, and alternative measures. 67 of the 72 First Nations in the province are involved in these programmes. The Aboriginal Justice Directorate of Justice Canada supports these programmes as well as adult alternative measures programmes offered by Aboriginal organizations in some urban areas.
- The Saskatchewan Aboriginal Courtworker Program helps accused people who are going through the criminal justice system by providing support to the accused, accompanying them to court dates, and explaining court proceedings to them. Currently, services are offered in 76 percent of court locations across the province by 27 courtworkers employed by 14 Aboriginal carrier agencies.
- First Nations Policing Programs involve Aboriginal communities in making decisions about the type of policing they would like in their communities. Currently there are 30 Community Tripartite Agreements with 45 First Nations that cover about 75 percent of the on-reserve population of the province. Pursuant to these agreements, police management boards provide community input to the police, and Elders work with the RCMP for culturally sensitive policing. Work is also occurring to develop community police boards in northern Saskatchewan, and to develop the File Hills Police Service, which is in the process of becoming a self-administered First Nations police service.
- Eight Aboriginal Family Violence initiatives help Aboriginal families deal with violence and abuse. The Department also supports eight Aboriginal Resource Officer Programs that help Aboriginal victims of crime and their families by providing information, support and referrals to other programmes.
- Six crime prevention initiatives focus on the needs of Aboriginal people in urban centres.

303. Adult Corrections<sup>12</sup> entered into an agreement with the Prince Albert Grand Council in January 1997 to operate a Spiritual Healing Lodge for 25 provincial, low security offenders on the Wahpeton Reserve land, immediately adjacent to the City of Prince Albert. Corrections also maintained an agreement with the File Hills Tribal Council of

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<sup>12</sup> In April 2002, a new Department of Corrections and Public Safety was created, bringing Adult and Youth Corrections into one Department.

Fort Qu'Appelle to provide Probation Services for four First Nations Communities. Further, Corrections developed a Cultural Diversity Model as part of the Induction Training for all new institutional Corrections staff.

304. The Aboriginal and Northern Justice Initiatives Branch was created in 2000. It is involved in a variety of projects related to justice issues in northern Saskatchewan and involving Aboriginal peoples throughout the province. The Branch's work includes building community trust and confidence in the justice system and establishing positive working relationships between Saskatchewan Justice, Aboriginal communities and other stakeholders, as well as providing policy advice and helping other Branches develop Aboriginal justice initiatives.
305. Cree Court -- On October 1, 2001, a Cree-speaking Circuit Court Party was established in four Provincial Court locations in northern Saskatchewan. The court party travels out of Prince Albert and includes a Cree-speaking judge, prosecutor, a Cree Legal Aid counsel, two Cree-speaking court clerks, one of which serves as an interpreter, and a Cree-speaking probation officer. This Cree Circuit Court Party attends court eight days a month at Sandy Bay, Pelican Narrows, Big River First Nation and Montreal Lake.
306. Circle Court -- In September, 2001, a "circle court" was set up in the Saskatoon Provincial Court. This circle courtroom is used regularly as a therapeutic court for the victims and families of youth involved in crime. One of the purposes of this youth circle court is to respond to the rising level of youth recidivism and incarceration in Saskatoon. Many of the youth who accept responsibility or are convicted after trial have complex backgrounds. The youth circle court provides a more informal and relaxed environment for examination of background factors such as family life, educational status, community and professional supports. The Prince Albert Provincial Court facility in Prince Albert also has a circle court for carrying out sentencing circles and other forms of court processes that are therapeutic in nature.
307. Court on Reserve -- The Chief Judge of the Provincial Court and Court Services have developed a protocol for the establishment of Court on Reserve. Court is presently held on Reserve at nine locations.
308. On November 15, 2001, the Saskatchewan Minister of Justice announced the establishment of a Commission on First Nations and Métis Peoples and Justice Reform. The goal of the Commission is to identify efficient, effective and financially responsible reforms to the justice system. The objectives of these reforms are to reduce offending and victimization, leading to reduced incarceration and safer communities for First Nations and Métis peoples. The Commission has been holding public hearings and accepting submissions about reforms to the justice system. It can consider all components of the justice system including policing, courts, prosecutions, alternative measures, legal aid,

corrections, community corrections, youth justice, community justice and victims services.

## Social Services

309. The Department of Social Services has had general responsibilities in the areas of income security, child welfare, young offenders, and services to people with intellectual disabilities<sup>13</sup>. Analysis of movement through department programs shows a clear path from child welfare, to young offenders involvements, to social assistance dependency as adults. In child welfare caseloads, Aboriginal people are strongly over-represented. The Department of Social Services is engaging in child welfare redesign to address these issues. This is in its early stages and progress will be reported under the submission of Canada's report on the *Convention on the Rights of the Child*.
310. Criminal law in Canada is governed by federal legislation, but administered by provincial courts. This is true of youth as well as adult justice, although youth justice is governed by separate legislation. Young offender programme caseloads are predominantly Aboriginal, reflecting a high degree of marginalization and dysfunction in both on-reserve and urban Aboriginal communities. The federal government will be implementing a new *Youth Criminal Justice Act* (YCJA) April 1, 2003, to replace the *Young Offenders Act*. The Department of Social Services<sup>14</sup> has advocated changes to make the legislation more responsive to the rehabilitation and reintegration of offending youth, particularly Aboriginal youth, as well as communities and crime victims.

## Health

311. Saskatchewan Health is involved with First Nation partners in the delivery of health services in targeted areas of the province. Over the past year, leaders from the two northern health districts, the Athabasca Health Authority, Northern Inter-Tribal Health Authority (which is made up of Saskatchewan's northern First Nations) together with Saskatchewan Health have begun the development of a Northern Health Strategy. The strategy will be based on a holistic approach to health, emphasizing prevention, and will strive to respect the complex jurisdictional issues in the North (i.e. First Nations, Métis, health districts, provincial and federal governments).

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<sup>13</sup> In April 2002, a new Department of Corrections and Public Safety was created, bringing Adult and Youth Corrections into one Department. When responsibility for young offenders was transferred from Social Services to Corrections and Public Safety, Social Services assumed responsibility for government housing programs and career and employment services.

<sup>14</sup> Now the Department of Community Resources and Employment.

312. Saskatchewan Health has also been working to develop a more representative workforce within the provincial health sector. Since 1999, twenty health employers and the Department have signed Representative Work Agreements. For the first time a major union representing health workers, the Canadian Union of Public Employees (CUPE), included in their contract a commitment to train and recruit Aboriginal workers throughout the health system. It has also initiated workplace readiness training as one strategy for preparing the workplace for the growing number of Aboriginal employees. Approximately 1,000 Aboriginal people have been hired in the health sector as part of the partnerships, with another three hundred people being trained.
313. During 1999-2000, Saskatchewan Health began work with the Athabasca Health Authority and Northern First Nations communities to plan and develop a new health facility in Stony Rapids, to serve residents of the Athabasca Basin.
314. In 2000, the Province of Saskatchewan developed a provincial action plan designed to address issues for Métis and off-reserve First Nations people living in Saskatchewan. This strategy has as one of its broad goals, the enhancement of individual and community well-being. Saskatchewan Health has undertaken several initiatives to pursue this goal, including hiring a diabetes coordinator to work with health districts, with some priority given to the high incidence of this disease among the province's Aboriginal population.

## **Article 7 : Education, Culture and Information**

### **Education**

315. During the 1999-2000 school year there were 188,594 Kindergarten to Grade 12 students in Saskatchewan's provincially funded education system. About 45,000 Saskatchewan Aboriginal persons are school-aged, representing about 20 percent of the province's entire school-aged population. Estimates show that by 2015, close to one-half of the children entering school in Saskatchewan will be of Aboriginal descent. A significant number of these children will be attending provincial schools.
316. Education in Saskatchewan is based on a commitment to address the needs of individual learners and to provide equitable opportunity and benefit for all students. The Goals of Education for Saskatchewan include affirmation of the worth of every individual and a respect for the diversity in values, behaviours, culture and lifestyle. The diversity of Saskatchewan's population means that the needs of the children and youth in the province are many and varied. It is recognized that some students require additional supports and specialized services in order to achieve full benefit from programmes. Planning and systemic approaches must be taken to address the needs and ensure equity of opportunity

and benefit for all students. Listed below are key examples to illustrate the scope of these activities.

### *Equity in Education Forum*

317. In 1997, the Equity in Education Forum, consisting of representatives from the Saskatchewan School Trustees Association, the League of Educational Administrators and Directors, the Saskatchewan Teacher's Federation, Saskatchewan Education<sup>15</sup> and the Saskatchewan Human Rights Commission released *Our Children, Our Communities, Our Future: Equity in Education, A Policy Framework*. Following the release of the framework, three additional representatives joined the Forum: the University of Regina Faculty of Education, the University of Saskatchewan College of Education and Gabriel Dumont Institute. The framework provides a comprehensive equity policy for the K-12 education system in the province. In 2001, the Forum released an implementation handbook *Planning for Action*, which provides educators with ideas and suggestions for working within classrooms, schools, and school divisions to discuss, plan and take concrete steps toward ensuring that all youth have equitable opportunity. The Forum sponsors an annual equity seminar for administrators and teachers in the provincial education system.

### *Special Education*

318. The Special Education Unit has worked on a policy framework, *Supporting Student Diversity Policy Framework*<sup>16</sup> that is a foundational publication for a renewed and strengthened focus on nurturing student diversity. This document uses the language of diversity to acknowledge that differences are to be expected, respected and planned for. The diversity in environment, cultures, heritage, language, abilities and needs is a driving force for the development and implementation of relevant and personalized curriculum, instruction and supports.
319. The Caring and Respectful Schools Initiative was launched in Fall 2000. In collaboration with the educational partners, a provincial framework is being developed to assist schools in providing a caring and respectful learning environment for all children. Key elements include:
- strategies to promote school culture and climate affirming the philosophy of inclusion, respect of diversity and strengthening student voice;

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<sup>15</sup> The Departments of Education and Post-Secondary Education and Skills Training were merged into one Department, Saskatchewan Learning, in 2002.

<sup>16</sup> Renamed *The Children's Services Policy Framework*, and released in Fall, 2002.

- Saskatchewan Education Core Curriculum to promote the acceptance of diversity and the development of personal and social values and skills necessary for positive relationships, dealing with discrimination, resolving conflict and the handling of emotions;
- prevention and intervention resources and strategies to deal with issues related to discrimination, harassment, bullying and school violence; and
- framework for developing positive expectations for behaviour that is accepted and modeled by all members of the school community.

320. In 2001, provincial funding recognition was allocated to school boards through Diversity Recognition to support all aspects of student diversity. In recognition of the Caring and Respectful Schools Initiative, Saskatchewan Education was invited to join the League of Peaceful Schools at a ceremony in June 2001.

#### *The Indian and Métis Education Development Programme (IMED)*

321. The Indian and Métis Education Development Programme (IMED) was established in 1984 to encourage school divisions to provide innovative, responsive and culturally-affirming initiatives to help Aboriginal students to succeed in school. Within the IMED Programme, the Aboriginal Elder/Outreach Program encourages relationship building between school divisions and the Aboriginal community and encourages school divisions to bring Aboriginal resource people, such as Elders and outreach workers, into schools.

#### *Community Schools Program*

322. The Community Schools Program was first established in 1980 when 11 schools were designated in urban areas. Community Schools are characterized by a broad array of parent and community partnerships that support the learning programme and include a strong cultural component. In 2001-02, the Community Schools programme was expanded to include high need secondary schools, rural elementary and additional urban elementary schools for a total of 83 funded Community Schools.

323. The Northern Community Schools Program was developed in 1996 to respond to the unique needs of students in the North. Within this programme, 10 schools have been designated and five smaller schools have enhanced programming to reach the 80 percent Aboriginal population and provide culturally appropriate programming, increased parental involvement, community development and integrated services.

### *Integrated Services*

324. The Integrated Services Program provides funding to school divisions for holistic, coordinated human services to support at-risk students and their families. The programme supports over 45 initiatives including programmes and services at Battlefords School Retrieval Program and West Flat Wraparound Project in Prince Albert, Saskatchewan.

### *English as a Second Language*

325. The Foundation Operating Grant provides funding through the English as a Second Language Programme for students not speaking English as their first language.

### *Curriculum and Evaluation*

326. Since the 1980s, specific efforts have been undertaken to ensure that curriculum and evaluation initiatives accurately reflect and respond to the needs of Aboriginal peoples. Initiatives include Aboriginal content and perspectives in all curricula; Native Studies classes 10, 20, and 30; and collaboration with the Federation of Saskatchewan Indian Nations to ensure that the scope and sequence of curricula adequately reflect Aboriginal culture, values and history. An Indian languages partnership is in place with Prince Albert Grand Council. Holistic assessment techniques have been developed and information related to education equity is reported annually in the *Saskatchewan Education Indicators Report*; accurate and appropriate curriculum materials are identified and resources are evaluated from the Aboriginal perspective; appropriate Saskatchewan Communications Network programming is selected; and Indian languages partnerships are in place.
327. The Aboriginal Education Staff Development Program provides inservice to teachers on the incorporation of Aboriginal content and perspectives and the use of effective instructional strategies.

### *The Aboriginal Education Provincial Advisory Committee (AEPAC)*

328. The Aboriginal Education Provincial Advisory Committee (AEPAC) plays a strong and positive role in making recommendations for improving the Core Curriculum, educational programmes, partnership initiatives, equity issues and policy. In 2000 the document *Aboriginal Education Provincial Advisory Committee Action Plan 2000-2005* was released and provided a blueprint for a renewed commitment to Aboriginal education in light of urgent Aboriginal education needs.

329. Saskatchewan Education actively promotes and encourages educational partnerships with Aboriginal organizations and educational authorities at the provincial, regional and local level. Such partnerships involve shared planning, shared decision making, shared management and shared governance. The Department also plays a consultative role in teacher education programmes and accreditation has been extended to teachers in First Nations schools.

### *The Role of the School Task Force*

330. The Role of the School Task Force, appointed by the Minister of Education, was established in May 1999. Following an extensive consultation and information-gathering process, the final report of the Task Force made 97 recommendations. Those that speak specifically to racism include:

- **Aboriginal Education:** That the Saskatchewan education community continue to provide cross-cultural education and anti-racist programmes for both students and educators and that Saskatchewan Education continue to support its Aboriginal Unit, as well as Native Studies, language and cross-cultural courses across the province. Further, that the universities support their Colleges of Education to create specialist Aboriginal Units and increased hiring of faculty of Indian and Métis ancestry.
- **Character Education:** That notwithstanding the complexities associated with character education, the Saskatchewan education community reaffirm the role of the school in this area and re-examine and update the Common Essential Learning: Personal and Social Values and Skills, encouraging students to think critically about their environment, the importance of world views, differences of tradition and belief and strongly nurture values of respect and tolerance. Further, that Saskatchewan Education and the other educational partner organizations launch a major curricular issue focusing on character formation and education.

### **Post-secondary Education and Skills Training**

331. The vision of Saskatchewan's post-secondary education and skills training sector is that, through continuous learning, all Saskatchewan people will have the knowledge, skills and abilities to benefit from, and contribute to, society and the economic prosperity of the province. The draft Saskatchewan Post-Secondary Education, Training and Employment Services Sector Strategic Plan highlights the importance of increasing the participation of under-represented groups such as Aboriginal people, people with disabilities, visible minorities, and the unemployed to enhance their employability and contribute to a representative workforce.

332. One of the most important demographic shifts in Saskatchewan's labour market will occur in the Aboriginal proportion of our population. The Department of Post-Secondary Education and Skills Training is working with First Nations and Métis governments, community organizations, the federal government and other sector partners to develop and implement an Aboriginal Education and Training Action Plan. The Action Plan will begin to address the current gap in, and growing demand for Aboriginal education and training in the province. Three goals of the Plan are to:
- enhance the successful entrance and completion of primary, secondary and post-secondary education for Métis and First Nations people;
  - prepare Métis and First Nations people to participate in a representative provincial workforce; and
  - ensure representative workforce participation by Métis and First Nations people in the provincial economy.
333. Post-secondary institutions and the department have developed a five-year Technology Enhanced Learning (TEL) Action Plan to increase the use of technology for learning, and enhance the access of education and training in rural and northern communities. The TEL framework includes as one of its priorities enhancing Métis and First Nations peoples' education and training.
334. The Saskatchewan Urban Native Teacher Education Program (SUNTEP), the Northern Teacher Education Program (NORTEP), and the Northern Professional Access College (NORPAC) all promote access to post-secondary education and training for Aboriginal people in a culturally sensitive environment. NORTEP provides teacher training in Northern Saskatchewan. NORPAC, which is offered along with NORTEP, provides the first two years of an Arts and Science University degree program. Both programs are offered to Northern residents of Saskatchewan who are primarily Aboriginal. SUNTEP provides teacher training for Aboriginal residents in three locations: Regina, Saskatoon and Prince Albert.
335. The Saskatchewan Student Assistance Program provides repayable and non-repayable needs-based financial assistance to supplement the Canada Student Loan for full-time post-secondary students. This program features a *Special Incentive Plan*, which provides additional loan assistance, supplementary bursary assistance and loan remission to eligible students from disadvantaged groups, including non-Status Indian or Métis. Further information on income support to students will be included in the report on the *International Covenant on Economic, Social and Cultural Rights*.

336. Post-Secondary Education and Skills Training has partnered with other agencies in two long-term training initiatives to improve the employment opportunities for people in the northern half of the province, most of whom are Aboriginal people:
- The Multi-Party Training Plan (MPTP) is an agreement between partners and stakeholders involved in the mining industry, and includes government, mining companies, training institutions, and Aboriginal organizations
  - The Forestry Training Agreement is new and is being modeled after the MPTP approach. Industry, training institutions, government, and Aboriginal organizations will identify training priorities and contribute funding for training leading to employment in the forestry sector.
337. The Saskatchewan Apprenticeship and Trade Certification Commission is an industry-led agency which works to improve the inclusion of under-represented groups by ensuring representative work-force objectives and performance measures are included in its multi-year strategic plan and reporting systems. The Commission also works to increase its partnerships with industry, equity groups, Aboriginal post-secondary institutions and organizations, students, and communities to increase access to apprenticeship training and certification programmes. A Northern Apprenticeship Committee was established to promote and co-ordinate an apprenticeship training programme flexible enough to meet the unique challenges of the northern labour market.

## Manitoba

338. This report updates the information contained in the Thirteenth and Fourteenth Reports of Canada under this Convention, with respect to developments in Manitoba between June 1997, and May 2001.

### Article 2 : Policy and programme initiatives

339. The Manitoba Government has had an employment equity policy for many years aimed at increasing the numbers of traditionally under-represented groups in the civil service. The Civil Service Commission publishes a manual, *Putting Equity to Work*, to assist managers to understand the legal and social reasons for the policy and to provide practical assistance for the implementation of the policy. As of March, 2002, 9.65 percent of Manitoba Government employees are Aboriginal (up from 6.82 percent in March, 1998 and approaching the long-range target of 10 percent referenced in the last report), 3.56 percent are members of visible minority groups and 2.96 percent are persons with disabilities.
340. The Manitoba Civil Service Commission manages two programmes directed at enhancing opportunities for Aboriginal people in government. The Aboriginal Management Development Program identifies Aboriginal people with high potential who are already in government and offers them an in-depth orientation to government, rotational work assignments, specific training opportunities, support from mentors and other development to enable them to compete for senior positions. The Aboriginal Public Administration Program recruits recent Aboriginal university or college graduates to a career in government by providing a programme of orientation, training and rotational work assignments. Two programme coordinators in the Civil Service Commission dedicate most of their time to working on Aboriginal programming.
341. Through training, outreach and annual conferences dedicated to discussion of Employment Equity, the Manitoba Civil Service Commission promotes recruitment of Aboriginal people and members of visible minority groups. Approaches like direct outreach to communities, examination of job advertisements for barriers, culturally sensitive interview processes, career development and mentoring programmes are promoted.
342. The Commission also offers ongoing education and training in employment equity and in managing diversity in the workplace. Some of the course offerings are "Walk a Mile in

my Moccasins”, “Interviewing Aboriginal People”, “Cultural Diversity”, “Communicating with Aboriginal People”, and “Building a Respectful Workplace”.

343. In October, 2001, the Civil Service Commission and the Department of Aboriginal and Northern Affairs co-sponsored a conference on Aboriginal employees to encourage networking among Aboriginal civil servants and to hear their suggestions about recruitment and retention of Aboriginal people in government.
344. The Commission works with other departments to develop and maintain policies to support a respectful workplace in the Manitoba Government. Policies dealing with harassment and reasonable accommodation are in place and are widely circulated within the government. Individual departments have issued their own respectful workplace policies in the communications.
345. An example of such departmental initiatives is the Department of Culture, Heritage and Tourism’s “Respectful Workplace Policy and Guidelines”. That department also promotes understanding of harassment and discrimination through *Harassment is Against the Law*, a six-page fact sheet that explains the policy and guidelines. This fact sheet is given to each new employee hired by the department. It is also available to all employees on the Internet and each year managers are asked to make all their staff aware of the information. Hard copies of the information are provided to those staff not on the managed environment or without access to the Internet.
346. Manitoba Education Training and Youth and Manitoba Advanced Education through the Aboriginal Education Directorate and Amalgamated Human Resources Services Branch are in the process of developing an Aboriginal Human Resources Strategy to reflect employment and retainment of Aboriginal staff and training in Aboriginal awareness for all staff to increase sensitivity to Aboriginal issues and concerns.
347. The Corrections Division of Manitoba Justice has introduced a Statement of Vision, Mandate and Core Values which addresses racial discrimination. The first core value states, “We accept diversity, the unconditional worth and rights of all people”. Corrections has taken a number of initiatives to support opportunities for Aboriginal people in this province to obtain employment in this division and to gain promotion from within the service. Twenty percent of all probation officers in Manitoba are Aboriginal. The Division has two Aboriginal staff participating in the Aboriginal Management Development Program. An advisory council of Correction’s Aboriginal staff, PITAMA, provides consultation to Correction’s management.
348. The Corrections Division has taken initiatives to address the disproportional number of Aboriginal offenders, including:

- Establishment of Community Corrections offices in Aboriginal communities;
  - Partnership with Aboriginal organizations to deliver community correctional services;
  - Aboriginal Youth Justice committees;
  - Aboriginal Elders providing spiritual care in custody facilities;
  - Aboriginal cultural programming for offenders;
  - Devolution of community correctional services to five Aboriginal communities in the Dakota-Ojibway Tribal Council; and
  - Fine Option/Community Service Order resource centres in over fifty Aboriginal communities.
349. The Division also includes in its staffing repertoire Respectful Workplace training which addresses an appreciation of cultural differences.
350. The Manitoba Human Rights Commission continues to operate a proactive educational programme with respect to human rights and in the year 2000, the staff made 110 presentations in schools, businesses, labour organizations and community groups throughout the province. Because "children are the first defence against racism", the Commission, in partnership with the Manitoba Metis Federation, hired a person to teach human rights to elementary school students as a pilot project. The lessons, *We are Different But Equal*, were taught at Margaret Park School in Winnipeg to students in grades three to six.
351. As well, in 2000, the Commission initiated the Manitoba Human Rights Commitment Award in partnership with the Canadian Human Rights Commission and the Community Legal Education Association.
352. That same year, the Human Rights Officer in The Pas (a northern community) worked with a large employer in establishing an Aboriginal Employment Review Committee, to inform Aboriginal workers of their rights and provide them with an avenue of redress should they face discrimination in the workplace.
353. The Commission also assisted the Thompson Citizenship Council Inc./Multi Culture Centre with their book, *Discovering the Many Faces of Discrimination in Northern Manitoba*. This book, based on over two hundred interviews, contains a series of stories chronicling the various forms and scope of discrimination on a day-to-day basis in

Northern Manitoba. The Commission's contribution consisted of commentaries and opinions following each story. The Commission staff in The Pas also assisted with subsequent video and radio segments based on the book.

354. In 1988, Manitoba established the Aboriginal Justice Inquiry, which conducted a lengthy review of the administration of justice, as it impacted upon Aboriginal peoples. There were subsequent, but piecemeal, attempts by government to implement recommendations of that Inquiry. In September 1999, Manitoba set up the Aboriginal Justice Implementation Commission (AJIC), to develop an action plan with respect to those recommendations which had not been addressed. The AJIC issued its final report on June 29, 2001. It can be found at [http://www.ajic.mb.ca/reports/final\\_toc.html](http://www.ajic.mb.ca/reports/final_toc.html). The Government of Manitoba subsequently accepted in principle all of the recommendations of the AJIC report, and as of June 21, 2002, 87 percent of the 54 recommendations directed at the province had been completed or were underway. In the criminal justice area, this has included a significant and new proposal to develop regional Aboriginal probation agencies (to which there has been previous mention). As well, on June 10, 2002, the Government announced its intention to introduce legislation to restructure Child and Family Services in Manitoba through the Aboriginal Justice Inquiry – Child Welfare Initiative. This Initiative establishes four Child and Family Services authorities in Manitoba: the Metis Child and Family Services authority, the First Nations of Southern Manitoba Child and Family Services authority, the First Nations of Northern Manitoba Child and Family Services authority and the general Child and Family Services authority. Each has responsibility to administer and provide for the delivery of child and family services to families who identify with the respective authority. Further information on this Initiative can be located at <http://www.aji-cwi.mb.ca>.

## Article 4 : Prohibition against promotion of racism

355. Section 18 of the Manitoba *Human Rights Code* contains a prohibition against discriminatory signs and statements which can be used, in some contexts, as a tool in the fight against hate messages. In addition, s. 19 of *The Defamation Act* provides a means to combat the publication of group defamation based upon, amongst other things, race or religious creed.
356. The primary vehicle for dealing with hate messages remains, however, the *Criminal Code* of Canada. Local law enforcement agencies enforce the law with respect to hate crimes. While Manitoba's experience has been that there is an insufficient volume of such crimes in places with relatively small populations to justify discrete hate-crimes units, nonetheless successful prosecution of such offences requires utilization of experienced investigators and prosecutors. As a result, allegations of this nature are dealt with by the Serious Crimes Unit (SCU) of the Winnipeg Police Service. More specifically, two

Sergeants are in charge of any hate-crime investigations, and have at their disposal twelve senior investigators from the SCU. Several years ago investigators were provided with hate-crime specific training. A third Sergeant is designated the "cultural liaison officer" for the Unit, and keeps in close contact with those groups most likely to be targeted. Two of the provinces most senior criminal prosecutors have been assigned to provide advice to this Unit, including in situations that may involve hate crimes.

## **Article 5 : Equality before the law**

357. As previously reported, Legal Aid Manitoba has operated an Aboriginal Centre Law Office in Winnipeg for a number of years. This office works together with the Aboriginal community to seek alternatives to judicial court processes and to respond to legal issues unique to Aboriginals in the urban context. It has a number of such legal cases running at this time, some of considerable significance (although they tend to deal less with individual rights than with the amelioration of economic conditions through treaty rights cases).

## **Article 6 : Effective protection and remedies**

358. The Manitoba *Human Rights Code* prohibits discrimination on the basis of ancestry, perceived race, color, nationality, ethnic or national origin, and other grounds. It also protects persons from harassment based on all protected group characteristics in those activities to which the Code applies (principally employment, housing and services available to the public or a section of the public).
359. In its 2000 Annual Report, the Manitoba Human Rights Commission reported that of its 261 formal complaints that year, approximately 50 (or 18.5 percent) were made on the basis of ancestry or national origin. Of the 58 potential complaints that were resolved through a new pre-complaint resolution process, 31 or approximately 53 percent, were based on ancestry/national origin. In 2001, the Commission disposed of a total of 315 complaints, up from the previous year. It appears that this is largely due to a new pre-investigation mediation process which has been established to compliment the pre-complaint resolution process. In all, in 2001 approximately 49 percent of all complaints disposed of were resolved by agreement between the parties.
360. The Commission has also been attempting to decrease the number of complaints which are "withdrawn/abandoned", on the theory that in some cases complainants have grown disenchanted with the process, and have therefore chosen not to pursue their complaint. In 2001, the number of complaints falling in this category had been reduced to 14 percent.

## Article 7 : Education, Culture and Information

361. Manitoba Education, Training and Youth continues to pursue its Aboriginal education and training framework, as previously reported. The Summer Institute on Aboriginal Education is now co-sponsored with the University of Manitoba and Winnipeg School Division No. 1.
362. The Aboriginal Teacher's Circle (now Aboriginal Circle of Educators), Manitoba Association of Multi Cultural Education and Manitoba Education, Training and Youth co-sponsored a national Aboriginal Education Conference in Winnipeg, in October, 2000.
363. Manitoba Education, Training and Youth has outlined its strategic priorities for education in the *K-S4 Education Agenda*. Initiatives include:
- the development of an action plan based on equity and diversity. A draft plan was prepared for feedback in the Fall of 2002;
  - a review of policies and programming for English as a Second Language learners to help increase the academic achievement of immigrant and refugee students and enhance their opportunities for full participation in Manitoba society; and
  - the dissemination of information about strategies effective in improving the success of Aboriginal students in Manitoba schools.
364. Manitoba Education, Training and Youth curricula for Kindergarten to Senior 4 schools include a focus on multi-cultural/anti-racism education, gender fairness, Aboriginal perspectives, and appropriate age portrayals. Reflecting these elements in school learning outcomes, instructional and assessments strategies and learning resources for all subject areas promotes an inclusive education system in the province.
365. The department's teacher support documents also contribute to tolerance and understanding of diversity. "Aboriginal Perspectives" framework is being developed to assist curriculum and course developers with the integration of a variety of perspectives of First Nations, Inuit and Metis people.
366. Manitoba Education, Training and Youth has participated with partner jurisdictions under the Western/Northern Canadian Protocol (WNCP) to develop a common curriculum framework for social studies. A cultural advisory committee assisted in the preparation of this framework, and the development team included Francophone and Aboriginal representatives. The framework emphasizes the critical role that the social studies play in

helping students to develop and act out a sense of social compassion, fairness and justice, and to value the diversity, respect the dignity and support the equality of all human beings. Manitoba's new social studies curriculum will reflect the inclusive focus of the WNCP framework. In addition, WNCP common curriculum frameworks for Aboriginal language and cultural programmes and international languages help to strengthen multi-cultural and anti-racism in education in Manitoba.

367. The department's Program Development Branch consultant for multi-cultural education works within the Department and with educational stakeholders in the field to support implementation of multi-cultural and anti-racism education initiatives.

## Ontario

368. Pursuant to Article 9 of the Convention, this Report sets out the legislative, judicial or administrative policies, programmes and activities of the Government of Ontario in accordance with the objectives of the *International Convention on the Elimination of All Forms of Racial Discrimination* for the period of June 1997 to May 2001.

### General

369. Ontario is committed to strong enforcement of the *Human Rights Code*, which provides every person the right to equal treatment with respect to goods, services and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, and other grounds. The Ontario Human Rights Commission is the agency under the authority of the *Human Rights Code* to enforce the right to freedom from racial discrimination.
370. The Commission redesigned its web site ([www.ohrc.on.ca](http://www.ohrc.on.ca)) in March 2001. The new site is more user-friendly and accessible and offers information on the complaint process, Commission policies and publications and case summaries. The site features information on racial harassment and provides the complete *Policy on Racial Slurs and Harassment and Racial Jokes*, and the plain language guide, *Racial Slurs and Harassment and Racial Jokes*.
371. Government ministries and agencies have taken steps to comply with the Ontario Public Service Workplace Discrimination and Harassment Prevention Policy (WDHP). The Ministry of Natural Resources has continued to actively support this policy by:
- developing an updated training module for managers and supervisors;
  - situating 55 trained WDHP Advisors throughout the province. They have been specially trained to provide confidential service to their workers in relation to human rights issues.
  - delivering training to all employees by these trained Advisors.

## Article 2 : Policy and programme initiatives

### Prohibition Against Discrimination

372. In 1997-98, the Ontario Human Rights Commission received a total of 2,193 complaints. Discrimination based on race and related grounds (race, colour, ancestry, and place of origin) accounted for 22 percent of these complaints.<sup>17</sup> For subsequent years, the percentage of race-based complaints (race, colour and ancestry) were as follows: 1998-99: 30 percent of 1,850 complaints; 1999-2000: 29 percent 1,861 complaints; and 2000-2001: 38 percent of 1,775 complaints.
373. The Commission has taken steps internally, to develop research and policy work on the grounds of race, ethnicity and place of origin. Two research papers in particular have been written to explore the area of multiple and intersecting grounds of discrimination and the concept of 'social condition' as a prohibitive ground of discrimination. Preliminary indications show that persons who experience discrimination on more than one ground of discrimination experience the impact in a way that is significantly greater than the sum of the individual parts. The Commission's interest in this initiative is to explore ways of capturing the subtle, multi-layered, systemic and institutionalized forms of discrimination in its day-to-day work and in its policy development process.
374. In February 2000, the Commission also held a Policy Dialogue with other human rights bodies to explore the subject of Social and Economic Rights. A discussion paper was developed to encourage broader discussion on the issue and to identify specific measures that can be undertaken by the Commission within its existing mandate.
375. The Board of Inquiry continues to adjudicate complaints of discrimination referred to it by the Commission.
376. Ministries and government agencies continued to support the corporate principles outlined in the Aboriginal Policy Framework (1996). These include Ontario's constitutional and other legal obligations in respect of Aboriginal people, recognition of the special relationship between the federal government and Aboriginal people, cost-effective service delivery, openness and accountability, and promotion of Aboriginal self-reliance through economic and community development.
377. The government is actively negotiating 20 Aboriginal land claims and other land related matters in Ontario. Since 1995, 11 land claim agreements have been reached.

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<sup>17</sup> The figures for 1997-98 complaints received include place of origin.

378. The Ontario Native Affairs Secretariat, through the Building Aboriginal Economies strategy and Working Partnerships programme, worked with other provincial ministries, Aboriginal communities and organizations, and the private sector to remove barriers to Aboriginal economic development. Work was also done to promote Aboriginal partnerships with the corporate sector, improve access to government programmes and services, and create economic development opportunities and jobs for Aboriginal peoples.
379. The Ministry of the Solicitor General has been involved in the following anti-discrimination initiatives and programmes:
- Filing of the *Police Adequacy and Effectiveness Standards Regulation*, made under the *Police Services Act*, on January 8, 1999, which required compliance with several requirements by January 1, 2001, including:
    - The adoption by police services boards of policies on investigations into hate propaganda and hate/bias motivated crimes; and
    - The development and maintenance by chiefs of police of procedures and processes for undertaking and managing investigations into such occurrences.
  - Issuance of the first release of the new *Policing Standards Manual* (2000) in February 2000, containing 58 sample policies and guidelines for police services boards, which includes policies and guidelines on:
    - Investigations into hate propaganda and hate/bias motivated crimes; and
    - The promotion of partnerships between police, community organizations, school boards, victims organizations, and social service agencies, for detecting and addressing hate/bias activities in the community.
  - Issuance of the second release of the *Policing Standards Manual* (2000) in November 2000, which includes:
    - Guidelines and sample policies for police services boards on equal opportunity and workplace harassment, in support of the *Police Services Act* requirement for police services boards to have such policies and procedures, and the Act's prohibition against discriminatory and racist behaviour by police officers.
380. The Ontario Provincial Police (OPP) has been involved in the following anti-discrimination initiatives and programmes:
- Establishment of the Select native Liaison Council, to provide strategic guidance and support on aboriginal issues to the OPP commissioner;

- Development of an Aboriginal Youth Leadership initiative to foster and improve leadership skills in Aboriginal youths;
- Participation in ethno-racial and Aboriginal community events to establish long-term partnerships with those communities, and to increase the communities' awareness about OPP recruitment and programmes;
- Participation in the Hate Bias Activity Round Table under the auspices of the Federal government's Secretary of State (Multiculturalism) (Status of Women);
- Provision of access to language interpretation services through OPP communications centres to facilitate communications and to eliminate communications barriers with non-Anglophone members of the public, including many members of ethno-racial communities;
- Provision, in partnership with the Royal Canadian Mounted Police, of Community Justice Training to Aboriginal community groups, to facilitate control by these groups over many justice decisions in their communities;
- Provision of refresher in-service training to all OPP members in a variety of anti-racism and anti-discrimination areas, including the prevention of discrimination and harassment, anti-racism, and the enforcement of hate crimes; and
- Provision of Native Awareness Training courses to OPP members and municipal police services.

381. The AIDS bureau, Ministry of Health and Long-Term Care, currently provides \$1.19 million in funding to address the incidence of HIV/AIDS in Aboriginal Communities. An HIV/AIDS strategy for Aboriginal people off-reserve is in its sixth year of implementation.
382. The Aboriginal Healing and Wellness Strategy, with an annual operating allocation of \$34 million dollars, is currently in its second five-year phase of implementation. It was developed after extensive consultation with all major Aboriginal and First Nations organizations and approximately 200 communities in Ontario. The Strategy, which has been cited as a model for other jurisdictions in the Report of the Royal Commission on Aboriginal Peoples, is inclusive of all Ontario's Aboriginal peoples--First Nation, Metis and Inuit. Four ministries and fifteen Aboriginal organizations are jointly implementing the Strategy. The programme received renewed funding from its four responsible ministries (Health and Long Term Care, Community and Social Services, the Ontario Women's Directorate and the Ontario Native Affairs Secretariat) to cover April 1, 1999 to March 31, 2004.

383. In the spring of 2001, the Joint Management Committee also assumed responsibility for the management of an Aboriginal Healthy Babies/Healthy Children programme with a 2001 - 2002 allocation of \$6.7 million.
384. The Ministry of Community and Social Services has developed a comprehensive training curriculum for all new child protection workers. The Association for Native Child and Family Services is revising and expanding the curriculum to ensure that all new protection workers in the province have culturally appropriate knowledge and demonstrated skills to work more effectively with Aboriginal children, families and communities. Curricula will be responsive to and respectful of Aboriginal culture and practice. Between September 1, 2000 and June 30, 2001 the Ministry also provided a total of 22 two-day sessions, with 540 staff receiving training on all aspects of diversity relating to working with a client population that is increasingly multicultural, multiracial and multi-faith. The curriculum also covered workplace harassment and discrimination and individual rights and entitlements under Canada's *Human Rights Act* and the *Ontario Human Rights Code*.

## **Article 4 : Prohibition against promotion of racism**

### **Hate Activities**

385. In the 2001-2002 fiscal year, Ontario committed \$400,000 a year, and additional staff, to expand the Ontario Provincial Police Hate Crimes/Extremism Unit.
386. The OPP's Hate Crime/Extremism Unit conducts multi-jurisdictional, strategic, and tactical intelligence operations targeting individuals or organized groups involved in hate crime activity and/or criminal extremism.
387. Intelligence information is collected on persons or groups involved in such activity in an effort to anticipate, prevent and monitor possible criminal activity. The unit has dedicated investigators who perform an intelligence function to combat hate crimes and criminal extremism, including the distribution and promotion of hate literature. It also provides investigative support to OPP detachments and municipal police services that require resources or the expertise to conduct hate crime/extremism investigations.

## Article 5 : Equality before the law

### The Right to Housing

388. The ownership and administration of public housing formerly owned and operated by the Ontario Housing Corporation were transferred to the municipal level on January 1, 2001, under the authority of the *Social Housing Reform Act, 2000*. Effective May 1, 2002, the devolution of the administration of all social housing to the municipal level, including non-profit and co-operative housing, will have been completed. The administration of all of these units will also be governed by the *Social Housing Reform Act, 2000*. The rules outlined in the *Act* and associated regulations do not specifically address racial discrimination. However municipal service managers are governed by the provisions of the *Ontario Human Rights Code* and are able to establish policies that address racial discrimination in both public housing and non-profit and co-operative housing.

### The Right to Education and Training

389. The Ministry of Training, Colleges, and Universities (MTCU) collaborates with occupational regulatory bodies, employers, community agencies and educators to promote improved access to professions and trades for individuals working in Ontario but trained outside of Ontario.
390. In Budget 2000, the Ontario government invested \$3.5 million to support two projects to help foreign-trained nurses and pharmacists attain licensing standards in Ontario so they can become certified to work in their fields. The projects include refresher/ upgrading courses, profession-specific workplace language, and Canadian work experience options.
391. In Budget 2001, the Ontario government committed \$12 million over three years to launch innovative training projects to help foreign-trained Ontarians gain speedier access to their professions in Ontario.
392. In fall 2000, Ontario established an Academic Credential Assessment Service, which is delivered by World Education Services-Canada (WES-Canada), a non-profit organization. The service provides assessments of foreign degrees and diplomas, to improve immigrants' opportunities to enter the job market.
393. MTCU, with its partners, has developed Sector Specific Terminology Information and Counselling (STIC) training manuals and self-assessment tools that can be used by community agencies and occupational regulatory bodies to deliver workshops to assist

skilled newcomers enter their occupations. Individuals can also access a computerized self-assessment tool to compare their skills to those required for their occupations.

394. MTCU has worked with occupational regulatory bodies to develop comprehensive and current occupational fact sheets, available in print and on the Internet, for prospective and landed immigrants on entry-to-practice requirements and labour market conditions for specific occupations.
395. Ontario continues to recognize and support the Aboriginal community through the Aboriginal Education and Training Strategy, which allows for Aboriginal students to pursue higher education, ensuring that appropriate programmes and services are in place.

## **Article 7 : Education, Culture and Information**

### **Education**

396. The following are key initiatives undertaken by the Commission on issues related to discrimination based on race, colour and place of origin between 1997 - 2001:
- **Aboriginal Human Rights Initiative:** The Commission has initiated a special programme to protect the rights of Aboriginal people. Two Aboriginal organizations, *Grand River Employment and Training* and the *Ontario Federation of Indian Friendship Centres*, are responsible for the development and delivery of the programme. The goals of the initiative are to create and enhance awareness among Aboriginal communities of the Ontario Human Rights and to develop appropriate and culturally sensitive ways to enable members of the communities to access the Commissions service.
  - In the first phase of the initiative, 37 Aboriginal organizations across the province were consulted. Through its consultation, the Commission learned that many organizations had little or no knowledge of the Commission and its work. Over 80 percent of those who were consulted also cited significant discrimination in the areas of housing, policing, health, social services and legal services. Racism, levels of literacy and a general mistrust of non-Aboriginal institutions were identified as key barriers that prevent Aboriginal persons from using the Commission services. In addition, lack of visibility and accessibility of the Commission was noted as a barrier.
  - The second phase of this project is underway. It will involve training workshops, public education programmes and a pilot community-based awareness campaign programme.

- **Partnership on racism:** In 1999, the Commission entered into a partnership with the Canadian Race Relations Foundation to develop a video and study-guide on racism. The campaign, involving partners from the private, broadcast and non-profit sector organizations, aimed at making a significant statement on racism and the future of Canada. A thirty-minute video was recently released by the Foundation. The video captures the experiences of five video artists from across Canada who produced public service announcements asking Canadians to examine their biases and to value diversity. A study guide to accompany the video is currently being developed.
- **Human Rights at Work:** In 1999-2000, the Commission developed a publication entitled, *Human Rights at Work*. It addresses workplace issues including anti-discrimination and harassment policies. The guide provides employees with practical information, including a list of prohibited interview questions referring to race, colour and place of origin, and a sample job application. The publication is also accompanied with a guide entitled, *Hiring? A Human Rights Guide*.
- **Female Genital Mutilation Policy:** The Commission partnered with local women's non-governmental organizations to raise awareness of the practice of female genital mutilation. The Commission recognizes the need for public sensitivity, awareness and understanding in dealing with culturally rooted practices, which may conflict with the principles and provisions of the Code. A plain language brochure was developed and translated in several languages including, Arabic, Somalian, Swahili and Amharic.
- **Translation of Complainant's Guide:** The Commission also partnered with the Council of Agencies Serving South Asians to produce a plain-language version of the Commission's Complainants Guide in six South Asian languages: Hindi, Punjabi, Urdu, Gujarati, Tamil and Bengali. This initiative is an effort to make the Commission's service more accessible to groups who may experience language-based discrimination. The Commission has developed policy on Discrimination and Language which recognizes that language can be an element of complaint based on ancestry, place of origin and in some circumstances, race, in the areas of employment, accommodation, services, contracts, and membership in unions.
- **Anti-Racism Initiative Survey:** In May 2001, as member of the Canadian Association of Statutory Human Rights Agencies (CASHRA), the Commission took a lead role in developing and disseminating a survey intended to gather information about anti-racism initiatives undertaken by CASHRA member agencies. The initiative was to gauge community feedback with respects to the work commissions are doing in the area of racism and racial discrimination and to identify the potential for future CASHRA initiatives in this area. The results of

this Survey will form the basis for work by CASHRA's Research and Policy Group Anti-Racism Subcommittee and will be used to prepare a report summarizing existing work that may be useful to all CASHRA members in identifying areas where future joint initiatives will have the most impact.

- Age Discrimination: In June 2001, the Commission released a consultation paper on entitled, *Time for Action: Advancing Human Rights for Older Ontarians*. The Paper identifies trends and critical issues related to age and makes recommendations to promote the human rights of older persons. The paper includes a section on *Age and Intersectionality* and notes the need to recognize the barriers faced by older persons on the basis of the intersection between age and race, ethnicity, citizenship, religion, and language.
- In June 2002, the Commission released its Policy on *Discrimination against Older Persons because of Age*. The Policy is a continuation of the Commission's work in the area of age discrimination. It was developed to help the public and Commission staff to gain a better understanding of how the *Ontario Human Rights Code* protects older Ontarians, sensitize them to the issues that older persons face and support compliance.

397. In 1998, the Ministry of Education released the elementary curriculum for Social Studies, History, and Geography. It incorporates expectations relating to the broad area of civics education, human rights and anti-discrimination:

- Students begin to learn about rights and responsibilities as early as Grade 1. By the end of Grade 1, they are expected to demonstrate an understanding of rights and responsibilities in a way that shows respect for the rights and property of others. In Grade 5, students are expected to demonstrate an understanding of the rights of Canadians, including those specified in the *Canadian Charter of Rights and Freedoms*.
- Each of *Drama, Music, Visual Arts* and *Dance* at the elementary and secondary levels contains expectations relating to the art of non-Western countries and cultures. Similar horizon-broadening expectations are found in the curricula for Social Studies, Grades 1 to 6 and *History* and *Geography*, grades 7 and 8.
- A Native Studies component was developed in the elementary *Social Studies* programme. In grades 3 and 6, students compare Native cultures found within Canada and study the accomplishments of important individuals in Canada. The grade 7 and 8 history and geography programme emphasizes the partnerships and alliances between Aboriginal and non-Aboriginal peoples in Canada before 1867,

as well as the experiences of Aboriginal peoples within the Canadian nation during the final decades of the nineteenth century.

398. At the secondary school level, the most explicit policy statement relating to anti-discrimination education is contained in *Ontario Secondary Schools: Program and Diploma Requirements Grades 9-12(OSS)*, 1999. Violence prevention, contributions of various groups, examination of diverse viewpoints, human rights, and Native education have been incorporated into the curriculum where appropriate.
399. Further advancement in human rights study is ensured in Grades 9 and 10: *Canadian and World Studies*. The human rights movement, and related documents are discussed in various courses offered within this programme. The Grade 10 history course has expectations relating to the contributions of immigrants to Canada, the women's movement, and Aboriginal groups working toward recognition of Native rights for their peoples. The grade 9 course provides an overview of the various art forms used by Aboriginal peoples. The grade 10 course highlights twentieth-century history and contemporary issues from an Aboriginal perspective. As well, there are six courses in grade 11 and two courses in grade 12 in the Native Studies discipline.
400. In February 2002 the Ministry of Education, in partnership with the Ministry of Citizenship, developed a video, in French and in English, about the Lincoln M. Alexander annual Award. This award recognises two young Ontarians who have demonstrated exemplary leadership in helping eliminate racial discrimination in their school and local community. This video sketches a portrait of a number of the past recipients of the award, and gives the information about the award itself. Teachers can use it as a resource for the Grade 10 *Civics* and Secondary *History* courses.
401. The Ministry of Education has also provided targeted funding (\$224 million committed for 1998-2003) to support the purchase of appropriate learning resources for the new curriculum. Under the targeted funding initiative, learning resources (textbooks, software etc) are evaluated by the Ontario Curriculum Centre which uses evaluation tools including a "bias evaluator" to ensure inclusivity and freedom from race and ethnocultural bias and other forms of discrimination.

## Québec

### General

402. This report reviews measures adopted by the Government of Québec in application of the Convention. It updates, to May 2001, the information contained in the previous reports.
403. The broad framework under which racial discrimination is prohibited in Québec is set out by the *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12). It prohibits any act of discrimination, manifestation of racism or hate propaganda. The details were described in previous reports.
404. Quebec society displays significant ethnic and cultural diversity. The Aboriginal population accounts for 1 percent of Quebec's population, or approximately 71,415 people. The Aboriginal population is made up of 10 First Nations and one Inuit nation distributed in 54 communities. Quebec Aboriginal peoples account for 10 percent of Canada's aboriginal population .
405. According to data from the 1996 Statistics Canada census, immigrants account for 9.4 percent of Québec's population, whereas the number of people declaring origins other than French, British, Aboriginal or Canadian stands at 16 percent of Québec's population. The population of the Montreal area is the most diversified in terms of ethnicity, with 30 percent of the population with origins other than French or British.
406. With respect to immigration, the data in the next table updates the data provided in previous reports. From 1997 to 2001, Quebec received 27,684 immigrants in 1997; 26,509 in 1998; 29,214 in 1999; 32,440 in 2000 and 37,498 in 2001. These people came from the following main geographic regions:

Region of origin	1997	1998	1999	2000	2001
	%	%	%	%	%
Africa	15.9	19.0	21.5	24.4	26.9
America	15.6	13.8	14.4	14.2	15.8
Asia	40.8	36.4	37.3	36.3	34.3
Europe	27.5	29.6	26.7	25.0	22.8
Oceania	0.1	1.1	0.1	0.1	0.1

407. According to the 1996 census, people that claim to belong to a visible minority group account for 6 percent of Québec's population (434,000 people) from diverse origins. In 2001, over 60 percent of the immigrant population was from Africa or Asia.

## Article 2 : Policy and programme initiatives

408. Affirmative Action Programs (AAP), set out in the Québec *Charter of Human Rights and Freedoms* and in place since 1985, include facilitating access of members of certain targeted groups to available jobs. AAPs can be voluntary. They can also be recommended by the Commission des droits de la personne et des droits de la jeunesse (the Commission) after an inquiry if it feels that discrimination has taken place. The Commission can, if its proposal is not followed-up, apply to a court and be granted, within the deadline determined by the court, the development and implementation of a programme. The Charter also sets out the government's AAPs. Under the provisions of section 92, the government must require its departments and organizations where the staff is appointed according to the *Public Service Act* (R.S.Q., c. F-3.1.1) to implement AAPs within the deadline that it sets out. The Commission must be consulted about the AAPs before they are implemented. Finally, the contract compliance programme (*Programme d'obligation contractuelle*), implemented in April 1989 by a decision of the Conseil des ministres, requires businesses which employ more than 100 people to implement an access to equality programme when they are awarded a government contract or grant in the amount of \$100,000 or more.
409. An assessment conducted in December 1998 by the Commission concluded that there was a need to consolidate the AAPs. As a follow-up to certain recommendations made in this document, the *Quebec Act Respecting Equal Access to Employment in Public Bodies and Amending the Charter of Human Rights and Freedoms* (S.Q. 2000, c. 45) came into effect on April 1, 2001. The goal of this act is to expand AAPs to government organizations that are not subject to the *Public Service Act*. It establishes a framework for equal access to employment for four groups: women, Aboriginal people, visible minorities and linguistic minorities (non-French, non-English). It affects approximately 700 organizations with 100 employees or more belonging to municipal bodies, education, health and social services bodies, Crown Corporations and the Sûreté du Québec. The Commission is responsible for ensuring the implementation of this act. In 2001, the department of citizen relations and immigration (ministère des Relations avec les citoyens et de l'Immigration [MRCI]) implemented an extensive promotional campaign for the AAPs with employers, targeted groups and the general public. Generally speaking, the MRCI supports the implementation of AAPs.
410. In April 1999, the Government of Quebec also took administrative measures for Aboriginal, allophone and Anglophone students, in order to grant them 25 percent of

summer jobs in the public service. The objective has been reached each year since the programme started. Since May 1999, the same objective has also been set for public service recruitment for permanent and casual positions, and for university graduates through the internship programme for recent graduates. The *Public Administration Act*, R.S.Q., c. A-6.01, adopted in May 2000, increases the accountability of deputy ministers and leaders of public organizations to reach this objective.

411. In order to address the specific challenges facing young visible minorities for access to the job market, the MRCI in partnership with employment Québec (Emploi-Québec) and the department of municipal and metropolitan affairs (ministère des Affaires municipales et de la Métropole), implemented in 1997, and for a three-year period, the fund for visible minority youth (*Fonds pour les jeunes des minorités visibles*). The goal of this fund was to finance structuring and sustainable projects that allow young people to promote their abilities with employers. This programme's activities ended in March 2000. Nearly 30 organizations were subsidized and 1,300 young people benefited from the services offered. At the Quebec City and Youth Summit in February 2000, the fund for Quebec youth (*Fonds jeunesse Québec*) was created to improve access to jobs for youth, particularly those from cultural communities and visible minorities.
412. Further, one of the priorities of the fund to combat poverty and promote labour market re-entry, implemented in 1997 in connection with the Summit on the Economy and Employment, is to foster the development of jobs and insertion of young visible minorities in the workforce. This fund supports job creation initiatives for people that are the most affected by poverty and exclusion. At the Quebec and Youth Summit, which took place in February 2000, the government committed to extend this fund for three years, giving it an annual budget of \$160 million.
413. For its part, employment Québec, in February 2001, implemented an intervention approach aimed at facilitating recruitment and retention of young visible minorities in the workforce. More specifically, the employment Quebec regional office in Montreal invested several million dollars in 2000-2001 to support initiatives fostering the employment of immigrants and unemployed people from visible minority groups.
414. The MRCI continues to support the Mathieu Da Costa Business Development Corporation. This association strives to support the start-up and expansion of businesses from black communities and to stimulate the development of economic leadership. Since it was created, the Corporation has contributed to the creation of 53 businesses and 100 jobs. In addition to MRCI, the Corporation's other partners are Canada Economic Development, the department of municipal and metropolitan affairs and the solidarity fund for Québec workers (*Fonds de solidarité des travailleurs du Québec*).

415. The MRCI proceeded with the implementation of a series of measures for integrating immigrants, civil and intercultural relations and the fight against racism and racial discrimination. The objectives of these measures are to foster the economic, social and cultural integration of immigrants, to promote understanding, the exercise and respect of rights and responsibilities of all citizens and to foster equality between people. The actions of the MRCI also foster dialogue between Quebecers from all backgrounds.
416. Services offered by MRCI to receive and integrate immigrants into Québec society are geared towards Québec residents, immigrants and businesses :
- information on immigration and integration services given in various forms at diverse locations abroad;
  - services related to integrating immigrants into Québec society, more specifically:
    - Services related to the settlement process (individual and group information sessions, integration based on the immigrant's needs, referral to partnership organizations for appropriate services);
    - francization services (full and part-time training in integration hubs, francization in the workplace, referral to higher education institutions for clients with more education, referral to non-government organizations);
    - support for social and economic integration (housing search, job search preparation, evaluation of foreign credentials equivalence, advice for business projects);
    - assistance services for settling in the region;
  - notices and information with Quebec institutional partners regarding immigration and receiving immigrants (training sessions).
417. These activities are carried out by nine reception and integration hubs across Québec. Furthermore, MRCI is working in partnership with over 100 community organizations to offer services to newcomers.
418. Since 1998, over 15,000 people have been met each year as part of an immigrant reception programme and 7,000 have benefited from support for integration into the workplace. As part of the activities for learning French, approximately 15,000 people following training in this area each year, in higher education institutions, community organizations or an integration hub.
419. The MRCI is also organizing a number of activities to promote intercultural relations. As regards the fight against racism and the promotion of democratic rights, the MRCI coordinates actions, such as the Action Week Against Racism, Québec Citizenship Week, and the Quebec Citizenship Award. The MRCI also coordinates interdepartmental

activities through which the Government of Québec ensures a better representation of cultural diversity in all areas of community life.

420. As part of the support for civic participation programme, the MRCI annually supports approximately 100 community organizations in carrying out activities fostering the development of a sense of belonging to Québec society. The programme has two components: promoting citizenship and combating racism. The latter component was actually the priority for 2001-2002.
421. In the field of research, the MRCI has undertaken a number of studies on integrating immigrants, visible minorities and young people. In January 2001, it published the results of a major study which, for 10 years, followed the activities of a cohort representative of immigrants received in Quebec in 1989. This study made it possible to determine that the majority of immigrants had found their first job after a few weeks and that after three years in Quebec, their job situation had stabilized. Both their salary and socioprofessional status had improved over the years. The positive effects of integration in their job also allowed approximately 35 percent of immigrants to own their homes after ten years. Studies were also conducted regarding employment equity and representation of ethnic and visible minorities in various areas of public life. In 2001, the MRCI conducted a public opinion survey on immigration and intercultural relations in Québec, with a large part dedicated to racism and racial discrimination.
422. With respect to the administration of justice among the Inuit, the minister of public security (ministre de la Sécurité publique) announced, in July 1996, a series of measures in order to more adequately respond to the needs of Inuit communities. For example, the Kativik Regional Government hired three Inuit community reintegration officers, who, under the guidance of parole officers from Public Security, participate in supervision of offenders in their community. Furthermore, the Minister inaugurated, in March 2000, in the town of Kangirsuk, a centre administered by the community and housing people from the region who are referred by parole services, lock-ups and the Québec commission for paroles (Commission québécoise des libérations conditionnelles) to assist with their reintegration. In 2001, a working group made up of representatives of the Inuit and the departments of justice and public security was asked to propose solutions to the problem of incarceration north of the 55<sup>th</sup> parallel and measures to foster the implementation of social reintegration programmes adapted to the Inuit culture.

## **Article 5 : Equality before the law**

423. In 1995, the National Assembly adopted amendments to the *Police Act* (R.S.Q., c, P-13) in order to add a new section dealing with the establishment or maintenance, under an agreement, of an Aboriginal police force. These provisions were continued in the new

*Police Act* (R.S.Q., c. P-13.1), adopted in 2000. In 2001, the minister of public security had signed nearly 30 agreements creating Aboriginal police forces in some 50 Aboriginal communities in Québec. These agreements will allow the Aboriginal communities to take responsibility for these services.

424. In June 2001, amendments were made to the *Youth Protection Act* (R.S.Q., c. P-34.1) to adapt it to an Aboriginal setting. The Act makes it possible to sign agreements with Aboriginal communities, which can then establish a specific protection regime for youth that is better adapted to their environment and this by the transfer, in full or in part, of the responsibilities of director of youth protection to local offices. This new act follows up on a pilot project carried out in an Attikamek Aboriginal community in order to allow the community to take over responsibility for youth protection activities, and the conclusions of a study conducted by the First Nations of Québec and Labrador Health and Social Services Commission.
425. The department of health and social services (ministère de la Santé et des Services sociaux [MSSS]) initiated talks with a number of Aboriginal communities regarding the provision of health and social services to Aboriginal people living on reserves. The discussions are aimed at signing sectoral agreements allowing the linking of the health network with Aboriginal structures and organizations providing health and social services.
426. In regard to services offered to Aboriginal women that are victims of domestic violence, an amount of \$500,000, from an overall annual budget of \$4 million allocated to fund homes for women that are victims of domestic violence, will be used to improve the services offered to this clientele.
427. The MSSS is continuing to offer financial support to various Aboriginal organizations, particularly the First Nations of Québec and Labrador Health and Social Services Commission.
428. The *Act Modifying the Act Respecting Health and Social Services for the Naskapi Nation of Kawawachikamach* was adopted in June 2000. The purpose of this act is to create a Naskapi local community service centre (CLSC) in Kawawachikamach, the site for which was completed in 2001.
429. In the action plan of the police department of the urban community of Montreal (*Service de police de la communauté urbaine de Montréal*), training and awareness-building activities for police officers regarding ethnic communities continue to be provided in district stations in partnership with the immigrant training and orientation centre. Furthermore, in each of the district stations, an advisory committee made up of partners representative of the community's cultural diversity in the field, was established.

## Article 6 : Effective protection and remedies

430. In the execution of its mandate, the Commission des droits de la personne et des droits de la jeunesse investigated, over the course of the period in question, allegations of discrimination based on race, colour or ethnic or national origin. Between 1997 and 2000 inclusively, 533 investigation files were opened in this regard by the Commission. The labor sector accounts for more than half of the investigation files opened, the infringement of rights generally dealing with dismissal, work conditions and hiring. The housing sector represented approximately 20 percent of files.
431. At the end of an investigation, the Commission can suggest the admission of the violation of a right, the cessation of the act complained of, the performance of an act (such as reintegration into a job), the payment of compensation or the payment of punitive damages where the discrimination is intentional.
432. From 1997 to 2000 inclusively, the Commission referred 17 complaints to the Human Rights Tribunal of Québec alleging discrimination based on race, colour or ethnic or national origin, or harassment based on these reasons. Ten files were settled out of court before the trial.
433. The Québec Superior Court ordered the College of Physicians in *Bandi v. Bernier*, [1998] R.J.Q. 1590, to assess the professional ability of the claimant without using prohibited grounds of discrimination such as citizenship.
434. In a number of decisions, the Human Rights Tribunal of Québec ordered payment of damages to compensate the victims for infringement on their right to equality and dignity. Then in *Commission des droits de la personne et des droits de la jeunesse v. Cyr*, J.E. 97-1562 and in *Commission des droits de la personne et des droits de la jeunesse v. Bouffard*, J.E. 99-1060, the complainants, who were black, secured a conviction against a shopkeeper and a neighbour, who made racist remarks.
435. The same happened in *Commission des droits de la personne et des droits de la jeunesse v. Dan-My Inc.*, J.E. 98-2278, where a businessman, dissatisfied with the services provided by the business that the black complainant worked for, wrote a letter with racist remarks about the complainant and sent it to a few people. In *Commission des droits de la personne et des droits de la jeunesse v. 3160017 Canada Inc.*, J.E. 98-742, the complainant, of Romanian origin, also secured a conviction against the business that she contracted with and whose representative made racist remarks when she wanted to cancel her contract.

436. Also in *Commission des droits de la personne et des droits de la jeunesse v. Caci*, J.E. 98-2279, *Commission des droits de la personne et des droits de la jeunesse v. Sinatra*, J.E. 99-2197, *Commission des droits de la personne et des droits de la jeunesse v. Quévillon*, J.E. 99-909, and *Commission des droits de la personne et des droits de la jeunesse v. Gestion S.I.B. inc.*, J.E. 2000-343, the complainants, who were refused the rental of housing because of their race or ethnic origin were compensated.
437. Finally, in *Commission des droits de la personne et des droits de la jeunesse v. 2955-5158 Québec inc. (Commission des droits de la personne et des droits de la jeunesse v. Restaurant Pub O'Toole)*, J.E. 2000-1871, a businesses was forced to pay compensation to the complainants who were refused entry into the restaurant because of their colour, race or ethnic origin.

## Article 7 : Education, Information and Culture

438. The department of Education (ministère de l'Éducation) and the MRCI jointly adopted, in 1998, a policy on educational integration and intercultural education, with an action plan for 2000-2002. This policy presents the broad focuses of the education system for integrating recently arrived immigrant students into Québec society. The policy is based on education for democratic citizenship in a multicultural society and on promoting equality of opportunity through access for all to educational services. The policy recognized that openness to ethnocultural diversity must translate into the teaching content, the educational material and the various aspects of school life to foster harmonious relationships between citizens thus preventing discrimination. Schools must establish and respect rules of life which condemn racism and exclusions in all of its forms. Ethnocultural diversity must also be reflected in school staff.
439. Moreover, training for stakeholders in the field of education outlines a number of activities aimed at fostering, in school staff, openness to diversity, detecting and combating all types of racism and forming the intercultural character of the schools by developing teaching skills that are required in a multiethnic setting.
440. In terms of newly arrived immigrant students who lag significantly behind in school, the department of education is pursuing efforts to foster their success using diagnostic tools and access to a programme for teaching their mother tongue as well as support for the parents.
441. In order to prepare the students to exercise active citizenship based on shared values, common responsibilities and rights and awareness-building of the international challenges that have repercussions on our society, the department of education introduced, at the primary and secondary level, a citizenship education programme focused on the culture of

peace, equal rights and the negative consequences of stereotypes, discrimination and exclusion.

442. In order for schools to be a place to learn rights and freedoms, the Commission des droits de la personne et des droits de la jeunesse for the past 20 years has been offering an outreach campaign of the *Quebec Charter of Human Rights and Freedoms* in the school system. In 2000, the Commission published a brochure on the sessions offered in the schools relating to education about human rights and freedoms.
443. The Commission is also working on, in association with Aboriginal partners, an activity programme which takes place in an Aboriginal camp called "Quebeckers and Aboriginals coming together: a major challenge" (*Rencontres Québécois-Autochtones, un beau défi*). This initiative brings secondary students together with Aboriginal people. Furthermore, the Commission began, in 2001, producing booklets on the theme of "Quebeckers and Aboriginals coming together: myths and realities" (*La Rencontre Québécois-Autochtones: mythes et réalités*) with the objective of demystifying the prejudices and discrimination which affects the Aboriginal peoples.
444. The department of education produced a series of information documents on the Aboriginal nations, including some which are used as teaching tools. In cooperation with the museum of civilization (Musée de la civilisation) and the Aboriginal nations concerned, the Ministry recently updated documents on the Aboriginal and Inuit nations of Québec. These documents, accompanied by an activity guide, are intended for primary students and teachers and the general public.
445. In order to reach young people from different regions of Québec and foster the development of harmonious intercultural relationships among all citizens, the MRCI, implemented an exchange programme in 2000 between young people from metropolitan areas, where 88 percent of the immigrants live, and young people from other regions in the school system. The objective is to provide young people with an opportunity to be in contact with members of other cultures or people that speak other languages.
446. As regards information on exercising citizenship in a democratic society, various initiatives made it possible to produce educational documents dealing with political institutions, civic values and human rights and freedoms. The chief electoral officer of Quebec (directeur général des élections du Québec) participated with the MRCI in developing an educational document for new arrivals to make them aware of the importance of exercising their right to vote.

## New Brunswick

447. This report reviews measures adopted by the Government of New Brunswick in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, to May 2001, the information contained in the previous reports.

### Article 2 : Policy and programme initiatives

448. Since 1986, New Brunswick has maintained its Policy on Multiculturalism with the purpose of advancing the equal treatment of citizens of all cultures. The Policy represents a commitment to equality in matters of human rights, cultural expression and access to and participation in New Brunswick society. A Ministerial Advisory Committee guides implementation of the Policy on Multiculturalism, comprising representatives of cultural communities, as recommended by non-governmental organizations having a stated interest in the multicultural nature of New Brunswick society.
449. During the period from 1997 to 2002, grants totaling \$29,400 were awarded annually to various multicultural organizations providing programmes and service across the province. Projects included anti-racism education; initiatives fostering cross-cultural appreciation; community development and multicultural fair; building skills for adapting to cultural diversity; cross-cultural youth programmes and activities to counter racism and discrimination.
450. In carrying out its mandate to make recommendations to government on current issues, the Ministerial Advisory Committee on Multiculturalism released four reports: *Implementing New Brunswick's Immigration Policy and Strategy*, *Implementation of the Policy on Multiculturalism*, *Report on Education* and *A Business Case for Ethnocultural Diversity in New Brunswick*. The Advisory Committee also initiated the development of a *Dare to Ask* guide to cultural sensitivities of New Brunswickers of diverse origins.
451. The Department of Health and Wellness has an Employment Equity Coordinator who works closely with the Equal Employment Opportunity office to promote hiring and retention of members of the three designated groups including Natives and visible minorities. The Employment Equity Coordinator conducts an on-going review of job ads to ensure that our recruiting practices honour the Convention.

452. Harassment in the Workplace in New Brunswick Public Service, is a government policy and "applies to all personnel including casuals employed in Parts I, II and III of the New Brunswick Public Service. Where applicable, this policy also applies to volunteers, staff members, contractors, fee for service individuals, those governed under medical staff bylaws, and clients." Therefore, the action stated by the Department of Health Wellness applies equally to Education, and likely to all other departments.
453. The Equal Employment Opportunity programme (EEO) was established in 1982, and has provided Aboriginal people, persons with disabilities and visible minority persons with equal access to employment, training and promotional opportunities in the New Brunswick Public Service (Part 1).
454. A component of the Office of Human Resources' Official Language & Workplace Equity Branch, the EEO programme's primary objective is to provide a more balanced representation of qualified target group persons in the Civil Service by helping individuals find meaningful employment with opportunities for advancement. Over the years, the programme has expanded into providing Job Exposures and Student Summer Employment. The Programme is open to both on and off-reserve Aboriginal peoples and serves as a liaison with First Nations and Aboriginal Organizations.
455. The EEO programme facilitates job placements and career-related work experience for target group persons through a summer employment initiative for students, a job exposure initiative, both administrated in cooperation with the Department of Training & Employment Development through term placements of 12 to 24 months, which focus on long-term skills enhancement. As of March 2002, 50 Aboriginal civil servants self-identified in Part 1 of the Provincial Public Service, of which 38 utilized the EEO programme.
456. Funds are allocated to hire persons who are considered eligible within the EEO programme, with the understanding that participating departments make every effort to place successful participants in regular positions within the term period.
457. The Job Exposure initiative provides participants with up to 12 weeks of work experience, a salary above the minimum wage, and further consideration towards an EEO funded term position, 12 to 24 months, if placed within the Civil Service - Part 1.
458. The EEO programme is actively involved in the selection and job placement of post-secondary students. The objective of the summer employment programme is to provide target group students with career-related work experience. This initiative trains and prepares students for potential Civil Service employment at the end of their school days.

459. The Department of Education Ministerial Statement on Multiculturalism/Human Rights Education articulates the values which continues to guide new policy development. The Department of Education implemented Policy 701 – *Policy for the Protection of Pupils in the Public School System from Misconduct by Adults* in September 1996, and revised it in September 1998. Abusive behaviour, as defined in this policy, refers to behaviour of adults in the school system that is directed towards a pupil or pupils. Discrimination is classified as an abusive behaviour and a complaint regarding discrimination will automatically trigger the complaint process defined in this policy.
460. The Department of Education implemented Policy 703 – *Positive Learning Environment* in April 1991, and revised it in September 2001. The policy makes provision for sanctions against any person who engages in discrimination based on gender, race, colour, national or ethnic origin, religion, culture, language group, sexual orientation, disability, age or grade level, or who disseminates hate propaganda in the public education system.
461. The *Report Of The Task Force On Aboriginal Issues* (March 1999) describes positive initiatives in New Brunswick through the aegis of the Department of Education. A number of these include a summer camp programme that focuses on cultural enrichment for Aboriginal and non-Aboriginal students as well as a number of committees that include Aboriginal people who advise the department in areas such as departmental policy, language programmes and curriculum development.
462. The Aboriginal Affairs Secretariat prepared for, attended, and followed-up on various meetings between the Minister responsible for Aboriginal Affairs and his federal and provincial counterparts and Aboriginal leaders, as part of the Federal Provincial Territorial Ministers responsible for Aboriginal Affairs and National Aboriginal Leaders Forum.
463. The role of the Aboriginal Affairs Secretariat is to provide information and advice to the Minister responsible for Aboriginal Affairs and to departments on planning, policy development, programme delivery and communications; to provide interdepartmental co-ordination; to assist with intergovernmental relations on aboriginal matters; and to serve as a liaison with Mi'kmaq and Maliseet communities and aboriginal organizations. Accordingly, the Aboriginal Affairs Secretariat works horizontally across government and with many stakeholders. In addition, an important part of the Secretariat's mandate is to promote awareness and understanding of the Mi'kmaq and Maliseet culture within the public service and with the general public. The Secretariat is, for administrative purposes, part of the Executive Council Office and reports to the Minister responsible for Aboriginal Affairs.
464. The activities of the Aboriginal Affairs Secretariat are only a small part of the involvement of the provincial government in aboriginal affairs. Many provincial

departments are working in partnership with First Nations' communities and aboriginal organization on issues involving education, child and family services, forestry, economic development and sport and culture.

465. One of the most significant developments in aboriginal affairs during 1999-2000 was the Marshall decision of the Supreme Court of Canada in September 1999. The impact of this decision was mostly felt in the fisheries sector, which is an area of federal jurisdiction. However it had implications provincially as well.
466. Accordingly, the Secretariat monitored developments, provided interdepartmental co-ordination, and participated in developing advice to Ministers. The Secretariat also prepared for, attended, and followed-up on various meetings between the Minister responsible for Aboriginal Affairs and his federal and Maritime counterparts.
467. At the Department of Justice, the pilot sentencing project has gone beyond the "proposed stage" as identified in the last report and has been active for three years. It involves the Big Cove First Nations' Community and deals with alternative measures with regards to pre-charge and post-charge offences. Over 40 people have participated so far in the programme. Because of its success, two additional projects are in the works involving the communities of Tobique and St-Mary's. These will be very similar to the first one and will also incorporate cultural values when looking at the issue of sentencing.
468. In addition to these projects, an elder programme, involving correctional facilities is currently being proposed.
469. Other departments have been working on a policy document on Restorative Justice, which will deal with the issue of sentencing within first nations' communities. It has not been released yet.
470. The Department of Justice is continuing its work in collaboration with the Department of Public Safety, to undertake restorative justice initiatives that are meaningful to Aboriginal communities of our province.
471. Since June 1993, the Department of Public Safety has participated with federal and Aboriginal authorities in a policing analysis of four first Nations Tribal Council Communities. The Department has been successful, to date, in implementing three First Nations Community Policing Programs (FNCP), which will provide policing services by the Royal Canadian Mounted Police to the First Nations Mi'kmaq Community of Bouctouche, the First Nations Mi'kmaq Community of Indian Island and the First Nations Maliseet Community of Tobique. A fourth FNCP agreement will result in policing services being provided by the Fredericton Police Force to the First Nations Maliseet Community of Saint Mary's.

472. Aboriginal persons comprise approximately five percent of the incarcerated offender population in New Brunswick - a significantly disproportionate number given that Aboriginal persons represent only one percent of the provincial population. With responsibility for operating 5 adult and 1 young offender centres, the Department of Public Safety has introduced a number of Correctional services initiatives to better serve Aboriginal persons incarcerated in its correctional centres.
473. For example, the Aboriginal Staffing Initiative has led to the employment of four Aboriginal persons as regular correctional staff: two Youth Counsellors at the New Brunswick Youth Centre and two Correctional Officers at other correctional institutions. Their participation contributes cultural sensitivity to Aboriginal inmates and encourages greater understanding of, and Aboriginal involvement in, the administration of the criminal justice system.
474. The Department of Public Safety to further address the need for sensitivity to the culture and needs of Aboriginal offenders now employs four individuals of Aboriginal ancestry as Probation and Parole Officers. Aboriginal participation in sentence supervision is intended to create stronger contact between Community and Correctional Services and the Aboriginal community. The presence of Aboriginal Probation Officers also serves a valuable educational function, encouraging greater Aboriginal involvement in the administration of criminal justice.
475. All four officers provide conventional probation services and have further assumed a variety of non-conventional functions related to community education, deterrence, offender rehabilitation and culturally specific programming.
476. The principal goal of the New Brunswick Emergency Measures Organization is to assist First Nations communities to develop the necessary expertise, plans and arrangements for effective local emergency management. The project had been implemented by employing an Aboriginal person as a Native Community Advisor on Emergency Measures.
477. This project is the Aboriginal component of the Umbrella Agreement on Cooperation in Emergencies has been in effect since February 1991. The project is a cooperative effort to improve our collective preparedness to deal with the effects of disaster. It fosters mutual aid agreements between Aboriginal and non-Aboriginal communities.
478. Responsibility for emergency preparedness in First Nations communities resides with the federal government; nevertheless the provincial government has a moral obligation to provide assistance, advice and support to governing bodies involved in the delivery of the programmes of the Department of Public Safety and the Band Councils.

## **Article 4 : Prohibition against promotion of racism**

### **Human Rights Commission**

479. Subsection 6(1) of the New Brunswick *Human Rights Act* states that “no person shall (a) publish, display, or cause to be published or displayed, or (b) permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that he owns or controls, any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex.”

### **Department of Justice**

480. Changes have not been made to the *Criminal Code* (hate literature provision). The possibilities of allowing defamation as a possible vehicle for pursuing an effective civil remedy has had several discussions, but these files are no longer pursued and are considered inactive. When appropriate, the Attorney General is vigorously pursuing prosecutions for hate crimes that occur in New Brunswick.

## **Article 5 : Equality before the law**

481. At the Department of Health and Wellness, Aboriginal reserves are included in the distribution list for notification of suicide prevention activities. Local Suicide Prevention Committees ensure Aboriginal people are aware of any activities occurring within their regions.
482. First Nations were involved in the planning of the 13th National Conference on Suicide Prevention held in New-Brunswick, October 2002. First Nation communities have been participating in the Dream Catcher Tour mainly to provide awareness on suicide prevention.
483. A survey has been completed with youth between 14-18 years of age in rural New Brunswick regarding distress levels. Aboriginal youth were involved and Big Cove band members participated on the steering committee. Grief counselling will be made available to members of the Big Cove First Nation. The Department of Health and Wellness is a partner in a tripartite committee in place to review health issues that are faced by Big Cove band members.

484. Big Cove staff have been trained to conduct psychological autopsies for the Psychological Autopsies Research Project being carried out in New Brunswick.
485. The Department of Training and Employment Development (TED) administers five (5) employment programmes. Although responsibility for employment programming within the First Nation communities rests with the federal government. All Aboriginal people have access to all programmes and services delivered by TED, including access to employment counselling.
486. The Summer Employment and Experience Development (SEED) programme provides students with employment experience through summer jobs, co-operative placements and entrepreneurship opportunities. Every year, funding is provided to the Equal Employment Opportunity (EEO) programme in order to provide summer employment to Aboriginal and visible minority students.
487. The Work Ability programme provides workplace opportunities in support of employment action plans that will develop the skills necessary for permanent employment. A strong partnership has been developed between TED and EEO to provide Aboriginal and visible minority clients with job exposure in an effort to assist them in finding full-time employment.
488. The Workforce Expansion programme provides wage subsidies to eligible employers that intend to create permanent employment, or annually recurring seasonal jobs, in New Brunswick and assist eligible individuals to start their own business or become self-employed. In order to encourage employers to hire Aboriginal Persons, an enhanced wage subsidy is provided.
489. The Training and Skills Development programme assists case-managed individuals, whose employment action plan identifies skill development as being necessary, in accessing appropriate training and education programmes so that they can achieve their goal of becoming self-reliant. Under this programme, several Strategic Initiatives have been organized in order to provide training to Aboriginal Persons in the following areas – Gas and Oil, Fisheries, Information Technology, Heavy Equipment, and Health Care.
490. The Employment Services programme provides the financial and professional supports needed to ensure that labour force needs of New Brunswick employers and workers are met. Under this programme, a number of projects targeting Aboriginal Persons and visible minorities have been funded by the Research and Innovation (R&I) component, including - *Aboriginal Forest Ranger Training* (1997 - 2000), *Tobique IT Microsoft Certified Training* – Tobique First Nation (2000 - 2001), *Diversity and Equity in Employment* - N.B. Visible Minority Steering Committee (2001-2002), *Building Stronger Diverse Communities* -N.B. Multicultural Council (2002).

491. Interim agreements on primary/secondary education between the Province of New Brunswick and First Nations ensure that children who live on reserves and attend public schools have access to culturally relevant, quality educational programmes and services, consistent with the Policy Statement on Maliseet/Mi'kmaq Education in New Brunswick. The governing bodies involved in these arrangements are First Nations, the Department of Education and local school districts. Individual agreements exist between 9 of the 15 First Nations of New Brunswick.
492. Since the Federal-Provincial Master Tuition Agreement terminated in 1993, several First Nations have engaged in direct discussions with the Department of Education with the aim of concluding a long-term tuition agreement for educational programmes and services between all First Nations and the Department of Education. Long-term agreements exist between the Department and three of the First Nations.
493. The Department of Education has adopted a number of initiatives consistent with the Policy Statement on Maliseet/Mi'kmaq Education in New Brunswick, including an Aboriginal teacher recruitment initiative, the appointment of a number of Aboriginal representatives to District Education Councils, and intervention strategies to address the educational needs of at-risk Aboriginal students. Other measures, which address curriculum development activities and Aboriginal awareness training for teachers, are reported under Article 7
494. The Department of Education implemented the *Department of Education Working Guidelines on Integration* (March 1988) and *Best Practices for Inclusion* (1994). These guidelines provide parameters to ensure adequate provision of support services for all students. The guidelines recognize a continuum of need, ranging from being able to deal effectively with the regular programme, to requiring extensive and varied support.
495. On April 24, 1995, the minister of Health and Community Services issued a memo to all regional hospital facilities, Family and Community Social Service Offices, and the Mental Health Commission. The memo contains sections from the *Human Rights Act* concerning racism. The Minister stated that there would be zero tolerance with respect to racism within the Health and Community Services system.
496. Gignoo Transition House was opened in January 1993 to aid abused Aboriginal women and their children. In 1992-93, the Canada Mortgage and Housing Corporation provided funds for capital costs to establish the transition house for victims of spousal violence. The Department of Health and Community Services now provides an operating grant based on usage of the Transition House by off-reserve Aboriginal women and non-Aboriginal clients. The Department of Indian Affairs provides financial assistance based on usage by on-reserve Aboriginal women.

497. A number of the New Brunswick Aboriginals who belong to the Union of New Brunswick Indians are members of the Provincial Suicide Prevention Coordinating Committee. There are also Aboriginal representatives on various community suicide prevention committees.
- four people who are certified trainers in suicide prevention are part of the Mental Health Commission's provincial pool of certified trainers;
  - training sessions have been provided to various Aboriginal communities in the area of suicide prevention and awareness, including formal training in Critical Incident Stress Management;
  - aboriginal representatives of Big Cove are part of the Critical Incident Stress Management programme of the Richibucto community Mental Health Centre;
  - cultural awareness training has been provided to Community Mental Health Services staff; and
  - community mental health centres staff continues to provide consultation services to Aboriginal communities as needed.
498. Aboriginal clients are accessing the services at the 13 Community Mental Health Centres throughout the province on a continuous basis. In addition, the Department will, on an as-needed basis, deliver specific services or training to Aboriginal communities in a crisis.
499. The Province is responsible for providing child protection services to all residents of New Brunswick, including those living on Indian reserves. The Department of Family and Community Services does, however, delegate the responsibility for the delivery of these services to all First Nations. The delegation occurs under a tripartite agreement between the First Nations, the Department of Family and Community Services and the Department of Indian Affairs and Northern Development Canada.
500. A Canada-New Brunswick-Indian Child and Family Services Agreement was first signed in 1983 and is in place in all 15 First Nations communities. A Tripartite Agreement on Indian Child Welfare Agencies also exists and, in 1988, was extended until such time as new arrangements are negotiated.
501. The long-term objective of the Department of Family and Community Services is to devolve responsibility for delivery of child and family services to First Nations. Those services that may be provided under the Tripartite Agreement are: childcare, child protection, homemaker, headstart, family and adoption services.

502. The 15 First Nations communities in New Brunswick have child and family services agreements in place.

## **Article 6 : Effective protection and remedies**

503. The New Brunswick Human Rights Commission is responsible for the administration of the New Brunswick *Human Rights Act*. The Commission encourages a climate of tolerance and understanding, which prevents persons from being subject to indignity or from being placed at a social disadvantage because of their race, colour, national origin, place of origin or ancestry.
504. Section 13 of the Act authorizes the Commission to approve special programmes, such as Affirmative Action and Employment Equity, to enhance the welfare of specific populations, including women, Aboriginal peoples, persons with disabilities, and visible minorities. The programmes are generally intended to identify and remove systemic barriers in employment, housing or education that discriminate against members of designated groups. They may also involve the implementation of special measures to accommodate differences and to achieve and maintain a representative workforce. The Commission is further authorized by the Act to review, alter or impose conditions in respect of such special programmes.
505. The Commission carries out its principal functions by promoting human rights education and by investigating complaints regarding alleged violations of the Act. The ratio of racial discrimination complaints to the Commission's total formal complaint caseload, as represented by complaints based on race, colour and place of origin, is as follows:
- 1997-98: 8 race related complaints out of 140
  - 1998-99: 6 race related complaints out of 141
  - 1999-2000: 15 race related complaints out of 119
  - 2000-2001: 17 race related complaints out of 115
506. The Commission explains the increase in complaints in this area as being, in part, the result of its promotion and education efforts, and those of other Canadian Human Rights Commissions, in combating racism.
507. Under section 20 of the *Human Rights Act*, the Human Rights Commission is authorized to recommend the appointment of an impartial Board of Inquiry to resolve a complaint of discrimination that cannot be settled through the process of conciliation.

## Article 7 : Education, Culture and Information

### Education and Teaching

508. The New Brunswick Human Rights Commission provides information and referral services on a variety of issues including racism, prejudice and discrimination. It also makes print materials and videos available, and serves as a liaison with community organizations.
509. The promotion of racial harmony continues to be an important focus of the Commission's education programme. In this respect, the Commission has been involved with the New Brunswick Minority Policing Committee in its work to address such issues as recruitment and training of minorities and police practices, and with Pride of Race, Unity Dignity Through Education, an organization that develops awareness and programmes dealing with racial harmony.
510. During the review period, the Commission continued its promotion and education initiatives aimed at combating racism by marking each year the International Day for the Elimination of Racial Discrimination, through its press releases, workshops and conferences. In 1997 it launched the *Vision for Equality Television series*, hosted with the Public Legal Education and Information Service-New-Brunswick, a conference on racism and hate crimes on the internet and one on *Understanding and Building on Diversity*, with the Fredericton Multicultural Association, and organized an Executive Round table on diversity for government, NGO and Corporate leaders. In 1998, it presented its paper *Hate Incidents in the Atlantic Provinces* to the Annual Atlantic Crime Prevention Conference. It developed a study guide to accompany its *Vision for Equality* video series, held workshops and conferences on Diversity and the promotion of harmonious race relations to government departments, university campuses, broadcasters, industry leaders culminating in its nomination for the first ever Canadian Race Relations Foundation's Award of Excellence in Race Relations. More recently, the Commission has produced and piloted a workshop, *Examining Hate* aimed at educators and community workers and acted as a resource support to the development of public school curriculum on Global Perspectives to Citizenship.
511. Multiculturalism Office programmes for the period 1997-2002 included partnerships with other government offices and community organizations to foster cross-cultural education opportunities and the development of immigrant integration materials titled "*Welcome to New Brunswick: Make Yourself at Home*" and a NB Immigration Website. The Office was involved with a number of government departments in the organization of the annual New Brunswick Heritage Week that celebrates different aspects of the province's cultural mosaic. That week ends with the celebration of the National Heritage Day.

512. In 1999, the New Brunswick Community College (NBCC) received approval from the New-Brunswick Human Rights Commission for a special programme that allocates training placed in all regular programmes for Aboriginal persons. Aboriginal applicants who wish to apply for admission to regular College programmes using this process, self-identify by completing an application form signifying their Aboriginal status before March 1 of the year preceding the commencement of training programme. The number of seats reserved in any one programme is based on the total seat capacity of that programme; for example, in a programme with a capacity of 20 or fewer seats, one seat will be reserved for Aboriginal applicants. The approval expires in August 2004, at which time the College can apply for renewal.
513. NBCC has also delivered training programmes specifically for the Aboriginal community in the areas of Aboriginal Plant Interpretation, Natural Gas Technician, and Vocational Forestry. Aboriginal communities in New Brunswick are developing human resources and the social and economic infrastructures required to progress toward self-sufficiency and self-government. To assist in this process, one of NBCC's strategic initiatives is to provide education and training opportunities leading to employment for the Aboriginal population of NB. This will enable Aboriginal people to pursue individual career goals and provides for a collaborative approach that ensures the aspirations of Aboriginal students and the particular needs of Aboriginal communities are met through the provision of quality education.
514. The New Brunswick College of Craft and Design has a one-year Native Arts Program as part of its foundation Arts Diploma Program. A Native instructor directs the Programme and the College has developed informal contacts with many elders and Native artists.
515. As well, the College is an interdisciplinary cultural education facility that maintains a policy of credit transference with the University of New Brunswick, whereby credit from one educational institution can contribute to a diploma or degree of the other.
516. The Department of Health and Wellness promotes understanding and combats prejudice by promoting special days including Day for Elimination of Racial Discrimination, National Aboriginal Day, and National Access Awareness Week. Messages go out to all staff, literature is available to staff and the public, and contests are held to raise awareness.
517. School districts have been directed to develop a policy consistent with the thrust of the Ministerial Statement on Multiculturalism/Human Rights Education, and to feature a progress report as part of the Annual Report of each district.

518. The document *Human Rights in the Curriculum*, prepared in 1988, is being updated. A document entitled *Checklists for Detecting bias and Stereotyping in Instructional Materials* was prepared in 1990. Further, a *Policy Statement on Maliseet and Mi'kmaq Education in New Brunswick* has been adopted by the Department of Education.
519. A number of initiatives are in place in the area of Aboriginal education:
- A consultant on Aboriginal education has been hired by the Department of Education.
  - Native Studies 120 Programmes are being offered in a number of schools. "*Maliseet and Mi'kmaq: First Nations of the Maritimes*" is the approved text for this course. The department has approved a curriculum guide.
  - Aboriginal Language programmes and materials have been and continue to be developed.
  - In-service instruction is being held for teachers and administrators in various districts for the Aboriginal Education Orientation Program. These *Circle of Understanding* sessions are designed to introduce Maliseet and Mi'kmaq cultures, histories and contemporary conditions to the teaching staff. Sessions may also include learning styles of Aboriginal students, effective teaching strategies, and introducing Aboriginal content into curriculum subjects. A Native Studies Model (Grades K-12) is currently being developed for implementation in the public schools.
  - Workshops are being conducted concerning the heritage and culture of First Nations.
  - A Provincial Aboriginal Education Curriculum Development Advisory Committee is in place. This committee reviews the direction and support for the study of First Peoples in the curriculum. All committee members are either Maliseet or Mi'kmaq educators. A Maliseet Language Committee as well as a Mi'kmaq Language committee are also in place. They are responsible for the development of language materials that are required for the teaching of Maliseet/Mi'kmaq languages. Committee members include Maliseet and Mi'kmaq language teachers.
  - In response to the Report on Excellence in Education, two initiatives are going forward: one will see an increase in the number of Native teachers, and the other will support Native leaders.

520. The Aboriginal Economic Development Fund (AEDF) is a programme created to support Aboriginal projects and initiatives in the area of economic development. The aim of the programme is to help Aboriginal entrepreneurs to start or expand their business and contribute to the enhancement of the economy of Aboriginal communities in New Brunswick. Studies, as well as government departments and agencies, non-profit organizations, First Nations and Aboriginal organizations, can receive financial assistance. The Regional Development Corporation (RDC) administers this programme. Fifteen percent of the funding is provided by the province through RDC, 35 percent by the federal government through the Atlantic Canada Opportunity Agency and 50 percent by Indian and Northern Affairs Canada.
521. The goal of the Aboriginal Youth Internship Program (AYIP) is to provide young Aboriginals with the opportunity to work with the Community Economic Development Agencies (CEDAs), the Community Business Development Corporations, the Canada/New Brunswick Business Service Centre and various federal and provincial departments in the field of economic development to help them gain meaningful experience. The programme provides for the hiring of a total of 32 unemployed or under-employed interns with post-secondary education over a period of three years. Funding is provided through the AEDF. The programme provides a one-year term placement with possibility of extension for an additional year for a maximum of two years.
522. The Department of Environment and Local Government continues to hire qualified people regardless of cultural heritage or race. It participates as fully as possible in the Equal Employment Opportunity Programs and regularly hires short-term staff and summer students through these programmes. In addition to these short-term programmes, it has recently hired two permanent staff registered with the Equal Employment Opportunity Program.
523. The Department recognizes and promotes events such as Heritage Week, the International Day for the Elimination of Racial Discrimination, Aboriginal Day, and Disability Awareness Week in order to ensure that all staff are fully aware of human rights issues and to promote better understanding and tolerance

## Culture

524. The Culture and Sport Secretariat of the Department of Education, in partnership with the Aboriginal Affairs Secretariat, provided consultant services and financial support to the New-Brunswick Mi'kmaq and Maliseet Sport and Recreation Circle.
525. In terms of First Nations, the Sport, Recreation and Active Living Branch has provided assistance with community development plans for several First Nations communities, made contact and distributed information to all First Nations communities on services

available from Sport, Recreation and Active Living Branch, and informed Aboriginal leaders of the benefits of recreation, especially for youth at risk.

526. In 2001-2002, the Aboriginal Affairs Secretariat developed a new cross-cultural awareness strategy. The strategy is intended to provide public servants with the opportunity to learn more about Maliseet and Mi'kmaq culture.
527. The Services Branch of the Department of Public Safety has endeavoured to ensure equal access of Aboriginal inmates to culturally sensitive spiritual services through programmes of visits by elders and participation in sweet grass ceremonies. The Branch has taken part in informal discussions with Aboriginal leaders regarding the development of institutional policy and procedures.
528. In terms of First Nations, the Sport, Recreation and Active Living Branch has provided assistance with community development plans for several First Nations communities, made contact and distributed information to all First Nations communities on services available from Sport, Recreation and Active Living Branch, and informed Aboriginal leaders of the benefits of recreation, especially for youth at risk.
529. Also, an Elder Program was initiated in 1999 at the Moncton detention centre. The New Brunswick Youth Centre has an Elder Program and a Native Awareness Room for increasing awareness, education and for cultural activities.
530. The Department of Public Safety has undertaken measures to promote cross-cultural understanding among its employees by organizing lunchtime awareness activities along with a multicultural exhibit, and by incorporating the government's Policy on Multiculturalism into an employee's handbook and into training programmes for executive directors. The Department of Public Safety is also represented on the Interdepartmental Committee on Multiculturalism.
531. With respect to correctional employees, the Department of Public Safety offers Aboriginal awareness training, including a Native Spirituality course led by Aboriginal elders as trainers. The purpose of this initiative is to ensure correctional staff is more culturally sensitive to the needs of Aboriginal offenders.

## Nova Scotia

532. This report reviews measures adopted by the Government of Nova Scotia in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, to May 2001, the information contained in the previous reports.

### Article 2 : Policy and programme initiatives

533. The Race Relations and Affirmative Action Division within the Nova Scotia Human Rights Commission continues to develop, both in the public and private sectors, programmes and policies that promote cross-cultural understanding and eliminate barriers to the full participation of racial minorities in society. The Affirmative Action Programme assists organizations and agencies from the public, private, and community-based sectors, who wish to enter into affirmative action agreements. These groups take active responsibility for eliminating discrimination and harassment in the provision of services, in the workplace, and in all areas covered by the Nova Scotia *Human Rights Act*. Sections 6, 9 and 25 of the *Human Rights Act* allow for employers and service providers to enter into special programmes and activities whose purpose is to promote the welfare of any class of individuals. Such programmes are deemed not to be a violation of the *Human Rights Act*. Organizations, such as universities, service organizations and associations, continue to sign Affirmative Action agreements.
534. The Race Relations Division offers workshops and training to institutions and organizations in the area of diversity, which covers race relations as a topic and provisions under the *Human Rights Act*. The number of training sessions requested has increased since the last reporting period. The Nova Scotia Human Rights Commission also conducts a number of information sessions on a per request basis to various organizations in the community. The Commission continues to develop training modules to specifically address racism and discrimination has developed a Train-the-Trainer module to address systemic discrimination in organizations. The Nova Scotia Human Rights Commission staff participate in ongoing training to develop increased understanding of racism and systemic discrimination.
535. The Nova Scotia Human Rights Commission has been working to strengthen its relationship with Aboriginal communities. An Aboriginal Human Rights Officer has been designated to create and implement a plan to work proactively with members of the Aboriginal community to make them aware of the services of the Commission. This

includes working with a committee that advises on ways to address issues in a culturally sensitive manner.

536. In addition, the Race Relations and Affirmative Action Division has worked with the Nova Scotia Department of Aboriginal Affairs to develop a training module on Aboriginal issues for government employees. This programme was tested in 1999 and the first employees were trained in 2000.
537. Throughout the period covered by this report, the Department of Human Resources and the Nova Scotia Government Employees Union have cooperated in gathering statistical information and developing a mandatory affirmative action policy for provincial civil servants at all levels. In March 1996, the Department and the Union made a specific commitment to overcome systemic discrimination; progress statistics are tabled annually in the Legislature.
538. The Senior Citizen's Secretariat, the provincial government agency that deals with aging issues encourages the independence, dignity and participation of all older adults. The Secretariat engages seniors in consultations, special events and projects. It also projects the diversity of the senior population through publications and other educational material.
539. The Nova Scotia Advisory Council on the Status of Women has as its mission to advance equality, fairness, and dignity for all women. The Advisory Council has also made consistent efforts to ensure that events, consultations, and initiatives undertaken by the Council are inclusive of women's diversity. In 1994, the Nova Scotia Advisory Council on the Status of Women consulted women's organizations in the province on establishing diversity within the Council board and staff. As a result, five of the seven new appointments to the Council were from racially visible groups. Since these 1994 appointments, the Council has been working to ensure that all projects of the Council are more inclusive. The Advisory Council has continued to strive to ensure the diversity of its Council members. The Chair of the Advisory Council, Patricia Doyle-Bedwell, a Mi'kmaq woman, was elected as Chair in 1996, and re-elected in 1997 and 1998. As of the beginning of 1999, four of the Council's thirteen members were from racially visible groups.
540. The Nova Scotia Advisory Council on the Status of Women staff have been involved with the Black Women's Health Network from its inception and partnered with a number of other organizations, including the United African Canadian Women's Association, the Black Business Initiative, and the Maritime Centre of Excellence for Women's Health in the planning and funding for the Black Women's Health Network Workshop held in East Preston in March of 2001.

541. The Council's primary strategic goal is to increase inclusion and participation of women in all their diversity in decisions that affect their lives, families and communities, with particular emphasis on those who face discrimination because of race, age, language, class, ethnicity, religion, disability, sexual orientation or various forms of family status.
542. Equity reference groups will play an integral role in a large, federally funded, 5-year programme of collaborative health research that the Advisory Council has undertaken in partnership with the Maritime Centre of Excellence for Women's Health. The programme of research aims to understand the links between women's unpaid caregiving work and health in diverse groups of caregivers. Equity reference groups, which have already begun to be established, will be essential in understanding the caregiving roles of women from diverse groups.
543. The Advisory Council makes efforts to collect any statistics pertaining to Black women, Aboriginal women, immigrant women, and women with disabilities. In the five-part statistical series on women in Nova Scotia that the Advisory Council is currently putting together, Council staff included statistics on diverse groups of women whenever such statistics were available.
544. In association with the Nova Scotia Human Rights Commission, the Council assisted in the development of Community Advocates for Rights with Responsibility (CARR), to raise awareness about media representations promoting sexist and racist representations of girls, women, African Canadians and other people of colour. In this connexion, the Council referred sexist/racist literature to the Advertising Standards Council of Canada and also participated in planning the March 2000 conference entitled *Hate: Poisoning Youth*. The Council's Chair was a panelist at this conference. Council staff remain active participants in the CARR committee.
545. In 1996, the Black Women's Health Project was initiated as a community outreach and information programme; funding assistance was provided by the Department of Health.
546. The new *Children and Family Services Act*, R.S. 1990, c.5, came into force in September 1991. This legislation states that wherever possible family units are to remain together, assisted by a wide range of supports. Several sections of the Act require that the best interests of the child be the paramount consideration in any placement or intervention; the preservation of the child's cultural, racial, religious and linguistic background is considered relevant to his or her best interests.
547. The policies of the Department of Community Services recognize the importance of a child's cultural, racial and linguistic heritage and require their consideration of all stages of child protection procedures during adoption proceedings and for foster care placement, including verification/validation of evidence, opening a case for ongoing service,

development of a case plan, making a court application and removing or returning a child to a caretaker. Additionally, a child's cultural, racial and linguistic heritage are to be considered in adoption proceedings in the assessment of the family when a child is placed for adoption and in interprovincial adoptions.

548. Cultural, racial and linguistic heritage are also to be considered for foster care policies and procedures where special efforts shall be made to recruit culturally-diverse homes, including outreach activities within communities utilizing key community people in accessing these communities to gain their support and in stressing cultural sensitivity during information sessions and orientation sessions.
549. The Children and Family Services Advisory Committee established under the Act requires that "two persons be drawn from the cultural, racial or linguistic minority communities". Where a child of Aboriginal origin is the subject of a child protection proceeding, the Act states that the Mi'kmaq Family and Children's Services of Nova Scotia shall receive notice as a party to the proceedings and may be substituted for the agency that commenced the proceeding. The Act also provides for notice to Mi'kmaq Family and Children's Services before an adoption agreement is entered into concerning a child who is or may be an Aboriginal child. Pursuant to section 88 of the Act, an Advisory Committee conducts an annual review of the Act; a senior staff member from Mi'kmaq Family and Children's Services sits on this advisory committee and also on related policy committees.
550. The Department of Community Services seeks African Nova Scotian applicants when hiring staff and service providers, because it recognizes the appropriateness of African Nova Scotians being able to receive services from African Nova Scotians. As well, all agencies, shelters, and group homes for which the department is responsible are required to implement human resources policies that reflect employment equity principles.
551. In addition, the department, in collaboration with the Department of Education's African Canadian Services Division, has focussed on employment support services for African Nova Scotians who are preparing to enter the labour force. They have also collaborated on identifying African Nova Scotian communities in need of preschool and early intervention initiatives. The department has been a partner with the community of Lucasville/Upper Hammonds Plains in providing a customer service training programme for youth. The department has also allocated a summer employment position to the Black Educators' Association to strengthen the link between the department and African Nova Scotians.

## Article 4 : Prohibition against promotion of racism

552. Although the legislation concerning hate groups and hate propaganda falls under federal jurisdiction, the provincial *Human Rights Act* provides additional protection to groups vulnerable to such propaganda. Section 7 of the Act prohibits publication, displays or broadcasts that indicate discrimination or intent to discriminate against individuals or classes of individuals. The Human Rights Commission works with Community Advocates With Rights for Responsibilities (CARR) to address issues of racism and hate.
553. In March 2000, the group organized a conference called *Hate: Poisoning Youth*. The goal of the conference was to bring adults together to discuss their responsibility in activities, literature, and marketing to youth. Discussion at the conference included hate literature and activities, hate in culture and marketing, and the history of hate. Panels examined the legal implications of hate, freedom of expression issues, ideas for curriculum and the classroom, and steps to address hate in communities. CARR was nominated for a Canadian Race Relations Foundation Award of Excellence for their work around the conference.

## Article 5 : Equality before the law

554. The Nova Scotia *Human Rights Act* R.S. 1989 c. 214, provides protection against discrimination on the basis of the following grounds: race, colour; creed, religion; national, ethnic or Aboriginal origin; sex (includes pregnancy); age; marital or family status; physical or mental disability; sexual orientation; political activity, affiliation or association; source of income; fear of contracting an illness or disease; sexual harassment; association with members of groups protected under the Act. The Nova Scotia Human Rights Commission's policy is such that complaints of racial harassment are considered to be complaints of racial discrimination.
555. The *Multiculturalism Act*, R.S. 1989, c.10, s.1, remains in force. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.
556. There are currently two Black judges serving in Nova Scotia. The Family Court appointment was made in 1986, and the Provincial Court appointment in 1996.
557. The Review Board of the Nova Scotia Police Commission is comprised of a Chairperson, Alternate Chairperson, Member and four Alternate Members. Since 1993, a representative from the Black community and a representative from the Aboriginal community have been serving on the Review Board as Alternate Members.

558. The Department of Justice, Police Services Division, has designed an introductory Multicultural Training Course for criminal justice workers in the province of Nova Scotia. The intent of the course is to assist Police and Correctional personnel in Nova Scotia to develop a basic understanding of other cultures and values, and to assist them in the normal discharge of their duties in a multicultural environment.
559. In 1994, the Union of Nova Scotia Indians, with provincial and federal support, developed the Mi'kmaq Young Offender Project. This ongoing initiative combines existing alternative sentencing measures with a restorative justice model that incorporates the Mi'kmaq legal traditions of healing and community resolution.
560. The published reports of the Law Reform Commission of Nova Scotia have included summaries in the Mi'kmaq language since 1992.
561. The Unama'Ki Tribal Police, an Aboriginal police force serving Unama'Ki communities, commenced operations in October 1994.
562. Previous reports have referred to the establishment by the Province of Nova Scotia of the 1986 Royal Commission to inquire into the circumstances that led to the wrongful murder conviction of Donald Marshall, Jr., a Mi'kmaq Indian. The federal and provincial governments continue to address the Royal Commission's 82 recommendations.
563. The Government of Nova Scotia has recently adopted an Employment Equity for Crown Law Agents Policy which provides that firms doing business with the Province, where the total fees per year for legal work are \$5,000.00 or more, are required to sign a commitment to employment equity and the programme initiatives, and file the commitment with the Department of Justice. Without this commitment, firms will not be engaged in future to perform legal work for the government.

## **Article 6 : Effective protection and remedies**

564. The Nova Scotia Human Rights Commission continues to investigate complaints of racial discrimination. In the fiscal year 2000-2001, approximately 18 percent of complaints of discrimination that were in the area of employment, were allegations of racial discrimination (race, colour, national, ethnic or Aboriginal origin). Approximately 51 percent of complaints in the areas of services were allegations of racial discrimination. This is an increase in both areas from the last reporting period.

## Article 7 : Education, Culture and Information

565. In 1990, the provincial government appointed the Black Learners Advisory Committee (BLAC). The three-volume BLAC Report on Education was published in 1994. This report laid the groundwork for significant structural changes to the *Education Act* and the Department of Education, including the establishment in 1996 of an African-Canadian Services Division within the Department. In 2000, the Nova Scotia *Education Act* was amended to guarantee African Canadians in Nova Scotia a seat on each of the Anglophone school boards.
566. A similar process is taking place between the Department of Education and the Mi'kmaq community; the intended result is much greater Mi'kmaq control over the education of Aboriginal children. The new *Education Act* legislated the creation of a Council on Mi'kmaq Education and allows for the appointment of a Mi'kmaq representative to each regional school board. Two of the six anglophone school boards have Mi'kmaq representatives; in the other four regions, the bands are currently choosing their representatives to the boards.
567. A Mi'kmaq Education Consultant position was created by the department in 1995. The consultant is overseeing changes to the curriculum, including a Mi'kmaq Social Studies course to be piloted in five high schools and a Mi'kmaq language course to be offered to Aboriginal and non-Aboriginal children as the second-language course option.
568. Dalhousie University, Nova Scotia's largest university has, since 1989, provided a programme the goal of which is to increase the representation of indigenous Nova Scotian Blacks and Mi'kmaq in the legal profession by making Dalhousie Law School more accessible to applicants from these communities. A Black Student Advisory Centre was established in 1992. In 1996, the James Robinson Chair in Black Canadian Studies was established.
569. The Department of Education established the Office of Race Relations and Cross-Cultural Understanding in 1992. This office is working with school boards, multicultural groups and other education partners in developing anti-racist principles and a provincial education race relations policy. As well, the Office is working with school boards to develop race relations policies at the board level. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race relations policy includes school programmes and practices promoting self-esteem and pride in individual cultures and heritages. The Department is also finalizing its provincial student discipline policy, which includes sections prohibiting racial harassment. Under the new *Education Act*, R.S. 1995-96, c.1, school boards have a duty to establish policies that protect students from harassment and abuse.

570. In 1996, the Joint Human Rights and Education Committee was reactivated with the Executive Director of the Human Rights Commission and the Deputy Minister of Education serving as co-chairs. The Joint Committee acts as a forum for discussion and sharing information; it also has a mandate to recommend ways that human rights concepts and issues can be integrated into policies and curriculum development.
571. The Nova Scotia Human Rights Commission has developed numerous public education materials and an identity system to elevate its profile in the community. These include posters, bookmarks, fact sheets on racism and discrimination, and a web site. The Commission also developed a new logo depicting a wave and a rainbow as symbols of human rights and diversity in the province of Nova Scotia.
572. In March 1997, the Nova Scotia Sport and Recreation Commission launched a Fair Play programme that emphasizes zero tolerance for violence, racism and verbal abuse in sports facilities. The programme will also promote the right to increased access to sports regardless of racial origin. The City of Halifax has provided a programme to immigrant children since 1995 that is designed to increase the children's awareness of recreational opportunities and to help them feel more comfortable participating.
573. The Nova Scotia Human Rights Commission works with Partners Against Racism and with Community Advocates for Rights With Responsibilities on the commemorations for Human Rights Day (December 10) and the International Day for the Elimination of Racial Discrimination (March 21).
574. The Commission has organized events for the public that promote human rights issues. In 2000, the Commission held a public forum called "Human Rights: Reflections, Realities and Reasons" where the present and former executive directors of the Commission discussed the evolution of human rights in Nova Scotia over the last 30 years. In 2001, the Commission held a public forum titled: "What is the Future for Human Rights in Nova Scotia?" that consisted of three panel discussions each examining different areas and issues of human rights locally, nationally and internationally. The Commission has organized other events, including a luncheon in July 2001 for business, government and community organizations that featured international diversity consultant Trevor Wilson. In 1999, an interfaith breakfast with leaders and members of various faith communities was also organized in order to enter into dialogue with religious organizations in the province.

## Prince Edward Island

### General

575. This report reviews measures adopted by the Government of Prince Edward Island in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in the previous reports.

### Population Demographics

576. In the 1996 population census, 92 percent of the population identified English as their mother language, whereas four percent identified French as their first language. French is the predominant language spoken in the province's Evangeline region. Education, health services and other government services in this region are available primarily in French. There are also communities along the north shore of the Island and in the province's extreme western and eastern regions that have a strong Acadian heritage but the use of French language is limited. Many Acadians in P.E.I. no longer consider French as their first language.
577. Three percent of the province's population identified themselves as having an origin other than Aboriginal, French, British or Canadian, and 1.1 percent (1520 people) identified themselves as visible minorities. Other ethnic cultural groups include German, Dutch, Lebanese and Asian. The Lebanese community is well established having arrived in the province in the 1860's.
578. In the census, 950 people identified themselves as aboriginal although there are only 650 registered Status Indians as defined in the *Indian Act*. Approximately half of Status Indians live on one of 4 Indian reserves in the province.

Reserves	1996	2001
Lennox Island	222	261
Morell	n/a	10
Rocky Point	n/a	42
Scotchford	n/a	105

## Government Sponsored Refugees

579. Many new immigrants to the province come as a result of the federal-government sponsored Refugee Settlement Program. During the reporting period, 262 government sponsored refugees arrived in P.E.I. from the former Yugoslavia, Kosovo, Croatia, Bosnia, Iraq, Iran, Ethiopia, Liberia, Sierra Leone, Sudan, Afghanistan, Guatemala and El Salvador. An estimated 75 percent of the refugees leave P.E.I. before their second year. Reasons cited for the departures include failure to become gainfully employed, a greater range of services elsewhere and, in particular, availability of more extensive language training, and a desire to live in larger urban centres with the possibility of meeting others who share similar ethnic and cultural backgrounds.<sup>18</sup>

## Article 2 : Policy and programme initiatives

### *Holocaust Memorial Day Act*

580. In 1999, the P.E.I. government introduced the *Holocaust Memorial Day Act*, R.S.P.E.I., 1998, Cap. H-7. The purpose of the Act is to honour those whose lives were lost and to learn from this horrific event in world history. The Act states:

Such a day will provide an opportunity:

- (a) to reflect upon and educate about the enduring lessons Humanity must learn from the Holocaust;
- (b) to recognize the necessity for perpetual vigilance to avoid such atrocities in the future; and
- (c) to consider other instances of systemic destruction of peoples, human rights issues, and the multicultural reality of modern society.

### Hate on the Internet

581. In 2000, the P.E.I. Multicultural Council, in partnership with both the federal and provincial governments, undertook to develop an awareness campaign for students on hate material on the Internet. This campaign involved producing a 13 minute video that was distributed to all schools. The project was not completed at the end of the reporting period.

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<sup>18</sup> Opportunities for Collaboration: Immigrant Settlement on P.E.I., the P.E.I. Association of Newcomers to Canada, July 3, 2001.

### **Child Protection Act**

582. In December 2000, the government introduced the *Child Protection Act* R.S.P.E.I. 1988, Cap C. The Act defines child abuse, the circumstances in which child protection measures are needed and the procedures to be followed. The statute, not yet proclaimed, includes special provisions for aboriginal children who are in need of protection. The provisions are intended to provide protection for the child within the context of their community by fostering collaboration and support from within the aboriginal community.
583. Section 1 (a): "aboriginal child" means a child who
- (i) is registered in accordance with the Indian Act (Canada)
  - (ii) has a biological parent who is registered in accordance with the Indian Act (Canada),
  - (iii) is under 12 years old and has a biological parent who
    - (A) is a descendant from an aboriginal person, and
    - (B) considers himself or herself to be aboriginal, or
  - (iv) is 12 years old or more, a descendant of an aboriginal person and considers himself or herself to be aboriginal.

### **Article 4 : Prohibition against promotion of racism**

584. As noted in Part I of Canada's report, Section 319 of the *Criminal Code* of Canada, prohibits the incitement of hatred and dissemination of hate literature that is targeted toward any identifiable group. The Provincial Prosecution Service prosecuted two charges under this section in April 2000.

### **Article 5 : Equality before the law**

585. The *P.E.I. Human Rights Act* is deemed to prevail over all other laws of the province. In accordance with the *Universal Declaration of Human Rights*, the Act recognizes as a fundamental principle that all persons are equal in dignity and human rights. Section 1 (d) of the Act prohibits discrimination on the basis of age, colour, creed, ethnic or national origin, family status, marital status, physical or mental handicap, political belief, race, sex, sexual orientation or source of income.
586. The *Human Rights Act* allows all persons, not employed by the Commission, to file a complaint. Any act of discrimination before a tribunal would be dealt with on appeal or by a complaint under the *Human Rights Act*.

## Diversity and Equity in the Civil Service

587. In 1998, the P.E.I. government amended the *Civil Service Act*, R.S.P.E.I. 1988, c-8, with the purpose of promoting diversity within the Public Service Commission. Section 2 (b) states that a goal of the Public Service Commission is:
- ....to foster the development of a public service that is representative of the province's diversity.
588. The provincial government undertook an extensive consultation process with the public and private sector, unions and non-government organizations to develop an equity and diversity policy for the Public Service Commission.

## French Language Services

589. In 1999, in response to the francophone population's need for services in French, the P.E.I. government enacted the *French Language Services Act*, R.S.P.E.I. 1999, Cap. F-15.1. Section 2 of the Act gives purpose and scope to:
- define the parameters of use of French in the Legislative Assembly;
  - specify the extent of French language services to be provided by government institutions;
  - specify the extent of French in the administration of justice; and
  - contribute to the development and enhancement of the Acadian and Francophone communities.
590. In *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, the Supreme Court of Canada overturned a P.E.I. Court of Appeal decision and ruled that there were sufficient numbers of francophone children in Summerside to warrant the opening of a French language school in that community. The court ruled that under s. 23 of the *Canadian Charter of Rights and Freedoms* the Province has a duty to provide official minority language instruction where numbers warrant it: A purposive interpretation of s. 23 rights is based on the true purpose of redressing past injustices and providing the official language minority with equal access to high quality education in its own language in circumstances where community development will be enhanced.

## Aboriginal Treaty Rights on Fishing and Hunting

591. In *R. v. Marshall*, [1999] 3 S.C.R. 533, the Supreme Court of Canada affirmed the Mi'kmaq peoples' right to hunt and fish for commercial purposes as valid as a result of

treaties signed in 1760-61. Section 35 of the *Constitution Act 1982* states: [T]he existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

592. As a result of this ruling, the Federal Government undertook a programme to buy back some of the commercial fishing licences already issued in the province and redistribute them among the province's Indian bands.
593. The move towards equity in the sharing of resources has given rise to conflict. In one instance, the Department of Fisheries and Oceans transferred fishing licences from one port authority to another as a way of remedying tensions between the aboriginal and non-aboriginal fishers.
594. The *Marshall* decision has led to further claims by P.E.I. Mi'kmaq regarding access to other natural resources for the purpose of economic development. The decision also raises the question of the rights of non-treaty Indians to have access to natural resources.

## **Article 6 : Effective protection and remedies**

### **Racial Discrimination Cases**

595. The P.E.I. Human Rights Commission is responsible for the administration and enforcement of the *P.E.I. Human Rights Act*. In 1998, the role of the Commission was expanded to provide it with the authority to resolve complaints through a formal process. Under these provisions, the Commission's executive director has the authority to dismiss a complaint or discontinue action on a complaint. If grounds for the complaint are established and no settlement can be reached between the parties, the Chairperson must refer the complaint to a panel comprised of commissioners appointed by the provincial legislature and the Lieutenant Governor in Council. In addition to handling complaints and investigations, section 18 (b) mandates that the Commission provide public information and education on human rights.

596. Complaint Statistics on Racial Discrimination for January 1997 to March 2001

Time Period	Total Filed	Racial Discrimination	Employment Related	Services, Facilities, Accommodations
Apr. 2000 to Mar 2001	48	4		4
Jan 1999 to Mar 2000*	45	2	2	
1998	122	3	2	1
1997	676	2		2

\* The P.E.I. Human Rights Commission switched from reporting on the basis of a calendar year to the fiscal year in 1999.

597. The activity in litigation of discrimination has been dominated by one person:

- *Ayangma v. Eastern School Board* (2000), 187 Nfld. & P.E.I.R. 154 (P.E.S.C.C.A.) Motion judge's order dismissing civil actions based on violations of the *Human Rights Act* upheld. Actions based on Charter reinstated.
- *Ayangma v. P.E.I. Human Rights Commission, et al* (2000), 189 Nfld. & P.E.I.R. 286 (P.E.S.C.C.A.) Appeal of dismissal of appeal of costs.
- Dismissed *Ayangma v. Government of P.E.I., et al.* (2000) 195 Nfld & P.E.I.R. 130 (P.E.S.C.T.D.) Appeal of costs dismissed. Cost of appeal to Respondents.
- *Ayangma v. Government of P.E.I., et al.* (2000), 194 Nfld & P.E.I.R. 254 (P.E.S.C.T.D.) Refusal to allow a visible minority interviewer on the Race Relations Board interview panel was discriminatory and violated section 15 (1) of the Charter. Committee's preference for candidate with extensive experience in P.E.I. school system discriminated against visible minorities and therefore violated section 15 of the Charter. Plaintiff awarded \$7500 general damages, plus costs.
- *Ayangma v Wyatt* (2001), 198 Nfld & P.E.I.R. 126 (P.E.S.C.T.D.) Plaintiff's statement of claim struck. No cause of action against Human Rights Commission Executive Director personally as he was acting within the scope of his employment as Executive Director of the P.E.I. Human Rights Commission.

Statement of Claim does not support claims of section 7 and 15 Charter violations, nor can an individual be sued in private capacity for violations of the Charter. No civil cause of action for a breach of a statute such as the P.E.I. *Human Rights Act*. Whole statement of claim struck as pleadings disclose no reasonable cause of action.

## Article 7 : Education, Culture and Information

### Education and Teaching

598. Much of the effort to combat racial discrimination has occurred within the Province's education system. While the Department of Education has no specific policies and regulations in regards to the elimination of racial discrimination, there is a race relations consultant who addresses curriculum issues, is a resource to the school boards and schools throughout the province, and provides ongoing training for educators in the area of multiculturalism, racism, diversity and equity.
599. In 1998, the Department of Education introduced the *Foundation for the Atlantic Canada Social Studies Curriculum* and a new social studies programme for grade 9 students, entitled *Atlantic Canada in the Global Community*. Both the foundation document and the grade 9 curriculum are a joint effort between the Departments of Education in all four of the Atlantic provinces that began in 1993. The foundation document provides objectives for teaching social studies from grade 1 to grade 12 within a framework that promotes:
- citizenship, power and governance;
  - individuals, societies and economic decisions;
  - people, place and environment;
  - culture and diversity;
  - interdependence; and
  - time, continuity and change.
600. The new grade 9 curriculum is supported by a text book that includes chapters on culture with an emphasis on cultural diversity. The text presents a number of case studies including one on the Lebanese community in Prince Edward Island and another on Acadian culture. There is a section on racism that defines racism and racist behaviour

and offers some responses to racism at a personal level, within the community and in the institutional context.

601. In November 1997, the Aboriginal Education Committee was formed. The committee, comprised of representatives from Aboriginal communities, non-government organizations, educators and the province's race relations consultant, work together to develop curricula that reflect aboriginal history, culture and language and to improve the success rate of aboriginal students in the educational system.
602. In December 1997, the Diversity Education Committee was formed. This committee, comprising educators, school board representatives, Department of Education staff and representatives from various non-government organizations has the objective of promoting diversity and eliminating discrimination in the schools.
603. All three school boards in the province have adopted policies to promote safe schools and diversity. The policies are broad in scope in that they address discrimination and harassment in its various forms. Contained within the policies are regulations regarding reporting, investigation and guidelines for intervention in cases of harassment or discrimination. The processes involved are aimed at protecting the victim, resolving the conflict and fostering respect, understanding and inclusion.
604. Similarly, a number of schools on their own have made the commitment to the elimination of discrimination. Six schools have joined the League of Peaceful Schools, others have introduced inclusion policies or codes for responsible behaviour into the school, and others have organized peace walks. Some schools have produced 30-second video clips on the theme of the elimination of racial discrimination and five schools have created peace gardens.
605. The PEI Teachers Federation, at its 1999 annual conference, focused on the theme of diversity. Educators were offered workshops and presentations on how to foster appreciation and acceptance of the diversity in school populations and how to deal with some of the effects of discrimination found in the schools, i.e bullying and harassment.
606. The P.E.I. Multicultural Council (P.E.I.M.C.) is the umbrella organization that represents various ethno-cultural associations in the province. Its mandate is to promote the concerns of the multicultural community and to facilitate the participation of ethnic, racial, religious and cultural communities in the larger community of Prince Edward Island.
607. In 1998, the P.E.I.M.C. conducted a survey regarding the future of multiculturalism in P.E.I. and the role of the Council. Three-hundred and ninety-four surveys were sent out to the multicultural community, government representatives who interact with the

multicultural community, newcomers to P.E.I. and friends of P.E.I.M.C. Seventy-eight surveys were completed, representing a 21.1percent rate of return. The survey consisted of four parts: focus of multiculturalism; programmes and organizations; the role of the P.E.I.M.C.; and statistical data regarding the respondents (age, gender, country of origin, length of time residing in P.E.I.).

608. The results indicated that employment equity was the highest ranking concern (33.4 percent), followed by racism (30.8 percent), systemic discrimination (21.8 percent), discrimination (19.2 percent) and human rights (9 percent).
609. The five most important programmes serving the multicultural community were ranked by respondents as follows: English as a second language (152 respondents); cross-cultural awareness programmes (117); employment assistance programmes (117); anti-racism programmes (113); and school race relations programmes (108).
610. Since 1997, the P.E.I.M.C. has partnered with the P.E.I. Human Rights Commission and Scotia Bank in recognizing the International Day for the Elimination of Racial Discrimination, March 21, with an event entitled "Harmony Evening." In addition to this event, the Council, in collaboration with the Royal Canadian Mounted Police, sponsors an anti-racism contest in schools.
611. The P.E.I. Association of Newcomers to Canada (P.E.I.A.N.C.) is the agency that contracts with the federal government to provide settlement services for government sponsored refugees. P.E.I.A.N.C. provides services through both staff and volunteer resources (Host Program). As previously reported, 262 government sponsored refugees came to P.E.I. during the reporting period. In the spring of 1999, an additional 100 refugees from Kosovo came to P.E.I. under the Joint Sponsorship Agreement. Under this programme all refugees were sponsored by volunteer groups (more than five individuals).
612. In 1997, in collaboration with P.E.I. Department of Education and the Cross-cultural Resource Committee, the P.E.I.A.N.C. revised and distributed a publication entitled, "Understanding Others, A Community Handbook for P.E.I." The guide provides information on multiculturalism, immigration, racism and responding to racism. The guide has been published in both French and English and has been distributed to all schools in the province.
613. In 1998-99, with funding from the Maritime Centre for Excellence in Women's Health, the P.E.I.A.N.C. conducted research in collaboration with the University of Prince Edward Island School of Nursing and the Intercultural Health Assembly with the purpose of increasing cultural awareness among health care providers.

614. In the spring of 2001, Canadian Heritage provided funding to P.E.I.A.N.C. to conduct a series of public education sessions entitled "The World Among Us." Each presentation featured a different country. Presentations, made by newcomers to Canada, contained information about the geography, history, culture, people, nature and the present political/social and economic conditions in their countries of origin. Countries profiled included Sierra Leone, Kosovo, Japan, Dominican Republic, Croatia and Liberia.
615. In January 2001, in response to growing tensions between the aboriginal and non-aboriginal communities after the *Marshall* decision, the Cooper Institute<sup>19</sup>, with assistance from members of the Abegweit Band, organized and hosted a public forum entitled "After Marshall...Learnings About Racism? Challenges for the Future?" Donald Marshall Jr., the respondent in the case, as well as representatives from other aboriginal organizations, discussed native treaties, the Supreme Court ruling in *Marshall* and its implications for aboriginal and non-aboriginal native communities.
616. In 1998, The P.E.I. Women's Network produced a publication entitled *Regarding Diversity: Women Share their Experiences of Life in P.E.I.* The publication is a collection of stories and poetry that documents the experiences of women who have immigrated to P.E.I. Each story is followed by a number of questions for the reader to consider. Copies of the publication have been distributed to all grade nine students in the province.

## Culture

617. In 1998, on the 50<sup>th</sup> anniversary of the signing of the *Universal Declaration of Human Rights*, 50 people representing 25 community organizations spent two days at a forum with the purpose of creating the P.E.I. Community Promise of Inclusion. The Promise is a commitment to promote, preserve and nurture the spirit of community.
618. Six women, representing the P.E.I. Advisory Council on the Status of Women, and the P.E.I. A.N.C. and/or as individual citizens, participated in the World March of Women in New York City in October 2000.
619. The Adventure Group provides programmes for youth that foster self esteem, trust and leadership. Since 2000, the group has partnered with a Francophone association, the Carrefour de L'Isle St. Jean, and the Native Council of P.E.I. to provide a multicultural summer day camp. The programme brings together youths of different cultural backgrounds with the purpose of sharing and learning in a multicultural context.

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<sup>19</sup>The Cooper Institute is a local community development and social justice non profit organization.

## Information

620. The province is served by numerous media outlets. There are three television channels that broadcast local issues and events. Canadian Broadcasting Corporation has two radio stations that broadcast on the Island; one which provides five hours of local programming Monday to Friday, the other is an arts and culture station that is produced nationally and regionally. There are two local shows a day that feature local news, current events, entertainment and other local information. There are two daily newspapers that publish six days a week, three weeklies (including a French language publication) and one bi-weekly.
621. All of the major media outlets were surveyed and report that they feature news stories that deal with issues related to multiculturalism, racism, the elimination of racism and promotion of multicultural events through public service announcements. A survey of the local media indicated that most of these outlets cannot easily track the number of stories or features they have presented on a particular subject matter within a particular time frame. The CBC, however, has an extensive data base. CBC Radio Charlottetown agreed to a search of their data bases to determine how many items on the theme of racial discrimination were produced locally or were aired as part of a local newscast during the reporting period. Using the key words "race", "racial", "racist", "discrimination", "human" rights", "inclusion", "equity", "diversity", "equality" and "multicultural", 56 news items and current affairs documentaries were identified. Of these items, the topics covered include events, public education campaigns, native issues, acts of racism, legal cases, language issues, racism in the education system, historical accounts, and commentaries.

## Newfoundland and Labrador

622. This report reviews measures adopted by the Government of Newfoundland and Labrador in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in the previous reports.

### Article 2 : Policy and programme initiatives

623. The Public Service Commission has initiated a Respectful Workplace Program based on the principle that all employees have a right to a respectful workplace. This is a work environment that is: respectful and tolerant of diversity and difference; supportive of the dignity, self esteem and productivity of every individual; free of harassment. Under the direction of a labour management committee, this initiative has sought to clarify how the Public Service manages conflict and diversity, to clarify expectations for respectful behavior in the workplace, and develop resolution mechanisms for conflict. It also seeks to provide support and set out options for employees who feel they have been harassed. In conjunction with Treasury Board Secretariat, awareness sessions and training are being developed that focus on the government's newly revised Personal Harassment Policy. This strategy will highlight expectations that all employees will be treated with respect, that complaints of harassment are dealt with appropriately and that due diligence is to be observed by taking every effort to ensure that harassment does not occur in the workplace.
624. The Royal Newfoundland Constabulary (RNC) members have received training in "Race Relations". As well, the RNC continues a positive relationship with the Association of New Canadians which often assists police officers in translation and has participated in joint training initiatives.
625. Cross-cultural sensitivity training is provided to all new correctional officer recruits as part of the induction training programme. As well, cross-cultural sensitivity training continues to be provided to all correctional officers assigned to the Labrador Correction Centre as well as youth care counselors employed at the Newfoundland & Labrador Youth Centre with a focus on aboriginal culture, belief systems and lifestyle.
626. The *Child, Youth and Family Services Act* came into force on January 2000 and in the general principles it states that the Act shall be interpreted and administered recognizing

the principle, among others, that the cultural heritage of a child shall be respected and encouraged and connections with a child's cultural heritage shall be preserved. As well, in determining the best interests of the child the child's cultural heritage is a factor that must be considered.

## **Article 6 : Effective protection and remedies**

627. The Human Rights Commission received complaints on the basis of race in a number of areas; 8 in the area of employment, 1 for rental accommodations, 1 in the provision of services and 9 on the basis of national origin. Of these, 2 were settled, 1 withdrawn, 6 dismissed and 1 sent to a Board of Inquiry. As well, the 9 complaints on the basis of national origin (which were from dentists who were educated outside Canada and issued provisional licenses permitting them to perform all dental practices in restricted locations), were sent to a Board of Inquiry.

## **Article 7 : Education, Culture and Information**

628. Public education efforts by the Human Rights Commission include the launch of a website, distribution of biennial reports as well as preparation of an annotated *Human Rights Code* and related pamphlets. In 1999 the Commission contributed to a publication by the Newfoundland and Labrador Human Rights Association "Into a New Light: Respect & Dignity for All", which included a section on filing human rights complaints.
629. The Human Rights Commission conducts presentations for educational institutions and community groups that deal with, among other things, discrimination and harassment on the basis of race.
630. The Department of Education has implemented a "Multicultural Education Policy: Responding to Societal Needs" based on the principles outlined in the United Nations *Universal Declaration of Human Rights*, the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*. Implementation guidelines outlined specific actions in the area of promoting respect for all cultural groups.
631. Race Relations Day is marked annually with a Proclamation signed by the Minister responsible for Human Rights and published in the local newspaper proclaiming the International Day for the Elimination of Racial Discrimination.

## **PART V**

### **Measures Adopted by the Governments of the Territories**

## Yukon

### General

632. This report reviews measures adopted by the Government of Yukon in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in previous reports.
633. Please refer to the Yukon's contribution to Canada's reports on the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* for relevant information not repeated in this report.

### Article 2 : Policy and programme initiatives

634. The Employment Equity Policy put into place in 1990 continues to be implemented. The target groups identified in the policy are women, Aboriginal peoples and people with disabilities. Data on visible minorities are regularly collected and monitored. The 1996 census indicates an increase in the visible minority population in the Yukon. Visible minority employees are statistically under-represented in the workforce, along with Aboriginal peoples and people with disabilities. The objectives of the policy are: to achieve an equitable, representative workforce; to identify and remove barriers to employment and advancement; to implement special measures and support programmes to remedy a previous disadvantage; and to contribute to fair and equitable access to employment opportunities and benefits of the Yukon government. Employees are surveyed and data are maintained on target group representation. The data are used for planning and supporting employment equity programmes that are established to eliminate employment disadvantages. Annual employment equity plans are developed and progress is reported in annual corporate reports for the Yukon government.
635. In 1999, the Public Service Commission began a new initiative to strengthen public sector management. A key component of this initiative is the Yukon Government Leadership Forum. This forum focuses on preparing employees to assume senior management positions within the Yukon government. The representation of women, Aboriginal people, visible minorities and people with disabilities was built into the selection process. Twenty three participants completed the programme and graduated in June 2001, with a new intake planned for 2002.

636. The Workplace Harassment Policy, established in 1992, remains in effect. The policy now also provides information to employees about laying complaints under the *Human Rights Act*. The purpose of the policy is to establish a workplace that does not tolerate harassment and to maintain a work environment that is free from harassment. The policy applies to all individuals, including casual and contract personnel employed with the Yukon government. Definitions are provided for the types of harassment covered under this policy, which include workplace harassment, personal harassment, sexual harassment and abuse of authority.
637. In 1998, a new clause on workplace harassment was negotiated in the Public Service Alliance of Canada and Yukon government collective agreement. Under Article 6 B of the Letter of Understanding "employees do not use the normal grievance procedure on a harassment-related issue". Instead the union refers employees to a harassment investigator in the Public Service Commission. A similar letter of understanding was recently negotiated between the Yukon Teacher's Association and the Yukon government.
638. In 1998, the Public Service Commission created the position Workplace Harassment Prevention Coordinator. This position manages the investigation and complaint resolution process for all workplace harassment complaints under the Workplace Harassment Policy and the Article 6 Letter of Understanding under the Public Service Alliance of Canada and Yukon government collective agreement and under the new letter of understanding with the Yukon Teacher's Association. The position also provides work unit consultation and organization training or workplace harassment prevention and resolution processes.
639. In March 1998, the Yukon government began a training programme for all its employees on Yukon Land Claims. The training consists of three modules that focus on Yukon First Nations culture, intercultural communications and the history and process of First Nations land claims. The training programme was developed jointly with representatives from First Nations governments and the Land Claims Secretariat. The purpose of the training is to foster strong relationships between First Nations and Yukon governments.
640. Chapter 22 of the Umbrella Final Agreement and First Nation Final Agreements require the Yukon government to develop, consult on, implement and review a plan to create a representative public service, both Yukon-wide and in fourteen First Nation traditional territories. In 1996, a joint planning process began with the Public Service Commission, departments and First Nations with Final Agreements to develop the Yukon-wide plan. As of September 1999, the Yukon-wide representative public service plan has been approved in principle along with three traditional territory plans. Departments are implementing activities under the Plan and traditional territory planning with First Nations continues.

641. In 1997, "An Accord to Implement the Understandings and Commitments of the Government of the Yukon and the Council for Yukon First Nations in Relation to the Transfer of Universal Health Programs" was signed. Among the provisions contained in the Accord were commitments to:
- work together to establish common health plans and priorities;
  - be involved in community health planning processes;
  - consultations on legislation etc.;
  - identify increased employment opportunities for First Nations in health areas;
  - establishment of a Health Partnership Committee; and
  - establishment of a Director of First Nation Health Partnerships position within Health and Social Services.
642. In 1997, Legislature passed "An Act to Implement the Hague Convention on International Adoptions to ensure that the Hague Convention protocols etc. on international adoptions are implemented in law in the Yukon.
643. The Yukon government also passed Adoption Information Disclosure Regulations in 1998 regarding access to and release of adoption information.
644. In 2000, the government amended its social assistance regulations to enable effective implementation of First Nation Self Government Agreements.
645. A number of child welfare protocol agreements with First Nations have been signed that relate to processes, notification and involvement of First Nations in child protection issues/matters.

## **Article 7 : Education, Culture and Information**

646. During the reporting period a review of the *Education Act* was begun. Final recommendations are expected to be implemented in 2002.
647. The Public Schools Branch continued projects and approaches to include First Nation culture in the curriculum content for all Yukon students. Ongoing work was done in the development and implementation of First Nation language.

648. The Yukon Native Teacher Education Programme has been continued. This Program is designed to assist First Nation people to be teachers in the elementary schools.
649. The Advanced Education Branch produced a booklet and a website to assist newcomers to the territory. The information is of particular benefits to immigrants. It is called the Newcomers Guide to the Yukon Territory-December 1999. The New Yukon Literacy Strategy 2001 is being implemented. The goal of the strategy is to provide maximum opportunity for all Yukon people to acquire the necessary literacy skills to be successful in their community, work and personal life.
650. In 1997, the Womens Directorate sponsored the Yukon Educational Theatre to tour rural Yukon communities to conduct conflict resolution workshops for elementary students throughout the Yukon

## Northwest Territories

651. This report reviews measures adopted by the Government of the Northwest Territories in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates until May 2001, the information contained in previous reports.

### **Article 2 : Policy and programme initiatives; and Article 7 : Education, Culture and Information**

652. The Government of the Northwest Territories has been working on the development of a new *Human Rights Act* to replace the *Fair Practices Act*. In November 2000, a Proposed *Human Rights Act* was tabled in the Legislative Assembly and the government conducted a broad consultation on the tabled document. The result of the consultation demonstrated considerable support for the project and has lead to broader protections in the proposed legislation. The *Human Rights Act* is in the process to become law.
653. When passed, the legislation will establish a full Human Rights Commission for the Northwest Territories. In addition to other responsibilities, the Commission will have a mandate to:
- promote a climate of understanding and mutual respect where all are equal in dignity and rights;
  - promote the policy that the dignity and worth of every individual must be recognized and that equal rights and opportunities must be provided without discrimination; and
  - develop and conduct programmes of public information and education designed to eliminate discriminatory practices.
654. The proposed Act also expands the scope of protection on the basis of race and enhances the complaints and investigation processes for people who have complaints of discrimination.

## Nunavut

### General

655. This report reviews measures adopted by the Government of Nunavut in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in previous reports.
656. On April 1, 1999 the new territory of Nunavut was created out of the Northwest Territories pursuant to the Nunavut Land Claims Agreement and section 3 of the *Nunavut Act*, S.C. 1993, c.28. Modeled on the *Northwest Territories Act* and the *Yukon Act*, the *Nunavut Act* bestows on the Government of Nunavut powers equivalent to those possessed by the other two territories. Under section 29 of the *Nunavut Act*, all territorial laws in force in the Northwest Territories immediately before division were duplicated in Nunavut on April 1, 1999. All other laws in force in the Northwest Territories on April 1, 1999 (e.g. federal laws, common law) were continued in Nunavut, to the extent that they could apply to Nunavut.
657. Under the 1993 Nunavut Land Claims Agreement (NLCA), the Inuit received a settlement of \$1.1 billion from the federal government. Under this agreement control of about 356, 000 square kilometers of land (about 18 percent of Nunavut) now rests with Inuit. It also established the Inuit right to self-government and self-determination. The Nunavut public government system includes an elected Legislative Assembly, consisting of a Speaker, Premier, cabinet and regular members. There is also a public service and trial court. Although Nunavut operates in a similar fashion to the other two territories it has some unique approaches to governance. The Nunavut government incorporates Inuit values and beliefs into a contemporary system of government. Inuit culture is promoted through the Department of Culture, Language, Elders and Youth, which plays a key role in helping all departments develop and implement policy reflective of Inuit values.

### Article 2 : Policy and programme initiatives

658. Article 23 of the Nunavut Land Claim Agreement relates to Inuit Employment in government. Its objective is to increase Inuit participation in government employment to a representative level (NLCA Art. 23.2.1). It encourages knowledge of Inuit culture, language, society and the economy. The article outlines requirements for the analysis of personnel systems, policies, practices and procedures in the government to identify those that may hinder the recruitment, promotion or other employment opportunities of Inuit. It also seeks to remove systemic discrimination, i.e. barriers to Inuit participation in the

workforce. In order to fulfill this obligation the agreement sets out requirements for a Labour Force Analysis (Art.23.3.1) and Inuit Employment Plans (Art.23.4.1). In January 2000, the Government of Nunavut's Department of Human Resources Inuit Employment plan was tabled by cabinet and approved in principle. In the document entitled The Bathurst Mandate (Pinasuaqtavut) the government of Nunavut outlines its detailed plan for the direction that Nunavut will take for next 20 years. It states as one of its goals that by the year 2020 Nunavut has a representative workforce in all sectors and that every government department in the territory develops and implements a strategy to support the Inuit Employment Plan.

659. Article 24 of the NLCA, concerns procurement procedures for government contracts. This obliges both the Government of Canada and the territorial government to provide reasonable support and assistance to Inuit firms to enable them to compete for government contracts (Art.24.2.1). To implement article 24, the Government of Nunavut implemented the Nunavummi Nangminiqaqtunik Ikajuuti (NNI) policy April 1, 2000. Its objectives are to increase Inuit participation in the provision of goods and services to the Government of Nunavut (Section 7.1).
660. The *Fair Practices Act*, Nunavut (R.S.N.W.T 1988, c.F-2), duplicated in Nunavut from the Northwest Territories, remains unchanged for the reporting period.

## **Article 5 : Equality before the law**

661. Article 23 of the NLCA respecting Inuit employment within government addresses the need for pre-employment training for Inuit to become employed to a representative level in the government. Some of the measures identified to make this achievable include instruction in Inuktitut, ability for training opportunities locally and recognition of Inuit culture and lifestyle (Art.23.5.2). It also recommends on-the-job training opportunities and apprenticeships. These goals are reflected in the Nunavut Government's Inuit Employment Plan. Education is critically important, as half of the territory's population is under 15 years of age. To date the number of Inuit going on to higher education has been significantly lower to that in southern Canada. The IEP recommends a review of the educational system from kindergarten through to post-secondary in an effort to encourage youth to stay in school thus gaining the appropriate education to increase Inuit representation in the work force (Appendix A- IEP).
662. The Bathurst mandate states the importance of Inuit traditional knowledge, or IQ, as the context in which the territory will be governed. Following from this the Government of Nunavut approved the terms of reference for an IQ task force, in August of 2000 to develop an implementation plan for IQ initiatives.

663. Article 23 of the NLCA states that as part of the development of an Inuit Employment Plan there is a need for an understanding of the cultural context of Nunavut – knowledge of Inuit culture, society and the economy. It also acknowledges the importance of the Inuktitut language, as well as the need for training opportunities with Inuktitut as the language of instruction.
664. Article 32 of the NLCA concerns the Nunavut Social Development Council and addresses the right of Inuit to participate in the development of social and cultural policies. The article sets out the establishment of the Nunavut Social Development Council as the agency designated to ensure that these rights are affirmed and acted upon. It allows for conducting research on social and cultural issues and dissemination of information to Inuit on these areas.

## **Article 7 : Education, Culture and Information**

665. Culture: The Government of Nunavut's Department of Culture, Language, Elders and Youth (CLEY) is mandated to preserve and promote Inuit cultural identity. The department offers financial support and guidance for cultural activities. Through its Grants and Contributions Policy it provides funding for several cultural and artistic activities. These activities include fostering the use and retention of the Inuktitut language and its dialects. CLEY provides funding to support French language development through the Canada-Nunavut Cooperation Agreement for French and Inuit Languages.
666. CLEY also funds the Quliit Nunavut Status of Women Council and women's initiatives that enhance the cultural, economic, political and social participation of women in society.

















